THE LEAGUE OF NATIONS

POLITICAL ACTIVITIES

Vol. II

Information Section,
League of Nations Secretariat,
GENEVA.

6d. 15 cents.

THE LEAGUE OF NATIONS

POLITICAL ACTIVITIES

Vol. II

Presented by S. Murugappa
23-10-52.

Information Section,
League of Nations Secretariat,
GENEVA.

NOTE

This pamphlet, one of a series issued by the Information Section of the League of Nations Secretariat, is the second dealing with the political activities of the League.

The first appeared in January, 1925. This second volume contains a summary of the principal political questions with which the League has dealt from that date to October 1927.

CONTENTS

Delimitation of the frontier between Turkey and Iraq

Mosul Question.

Greco-bulgarian frontier incident.

DELIMITATION OF THE FRONTIER BETWEEN TURKEY AND IRAQ

Mosul Question.

INTRODUCTION

Origin of the Dispute.

When the Armistice between Turkey and the Principal Allied and Associated Powers was signed at Mudros on October 30th, 1918, British troops were occupying Mesopotamia. This portion of Turkey lay between the Persian Gult and the mountains to the north and corresponded roughly to the former Turkish administrative districts or vilayets of Basra, Baghdad and Mosul. The first treaty of peace with Turkey, signed at Sèvres on August 10th, 1920, transferred the sovereignty over this area to the Allied Powers by establishing the new frontier to the north of Mosul.

In addition, it was agreed by Article 94 of the Treaty that Mesopotamia as well as Syria should be recognised as an independent State in accordance with paragraph 24 of Article 22 ot the Covenant of the League of Nations. This independence, however, was subject to the giving of administrative advice and assistance by a mandatory Power until such time as the new States were able to stand alone.

Great Britain was given the mandate over Mesopotamia by the Allied and Associated powers and formed it into an Arab kingdom under the name of Iraq; Emir Feisal, son of Hussein, the King of the Hedjaz, was placed on the throne.

Turkey did not ratify the Sèvres treaty and was invited to negotiate a new peace treaty in its place after the cessation of hostilities between Turkey and Greece in Asia Minor. These negotiations began at Lausanne in November 1922 and at the outset it became clear that Turkey did not wish to confirm the surrender at Sèvres of the vilayet of Mosul, although she was not anxious to re-open the question of the vilayets of Baghdad and Basra.

The question therefore was to agree upon a common frontier between Turkey and the new kingdom of Iraq under the mandate of Great Britain. The Turkish delagation was willing to recognise a line drawn to the south of the city of Mosul; the British delegation, on behalf of Iraq, claimed a frontier following the crests of the mountains to the north of the city, in other words the incorporation of the vilayet of Mosul in Iraq.

Negotiations on this question continued throughout the Lausanne Peace Conference, but no agreement was reached. The Turkish delegation gave their reasons for being unable to give up their claim over the Vilayet of Mosul. The British delegation, on the other hand, urged that the Kingdom of Iraq was bound to claim a frontier which would include that vilayet. The Conference was unable to do more than leave the question in suspense and provide for its subsequent settlement by the procedure indicated in Article 3, paragraph 2 of the Treaty :

> " The frontier between Turkey and Iraq shall be laid down in friendly arrangement to be concluded between Turkey and Great Britain within nine months.
>
> " In the event of no agreement being reached between the two Governments within the time mentioned, the dispute shall be referred to the Council of the League of Nations.

" The Turkish and British governments reciprocally undertake that, pending the decision to be reached on the subject of the frontier, no military or other movement shall take place which might modify in any way the present state of the territories of which the final fate will depend upon that decision. "

Direct negotiations between the two Governments were opened at Constantinople in May 1924, but were unsuccessful. The British Government, therefore, in accordance with the provisions of the Treaty, submitted the dispute to the League of Nations on August 6th, 1924.

CHAPTER I

CLAIMS OF THE TWO GOVERNMENTS

Before the meeting of the Council which was to study the problem, the two Governments had forwarded to the League memoranda setting forth their respective cases, of which a brief analysis follows.

(*a*) *British case.* — The frontier claimed was :

1) From the confluence of the rivers Tigris and Khabur to the confluence of the rivers Khabur and Hazil : a line following the right bank of the Khabur.

2) From the confluence of the rivers Khabur and Hazi[1] to the confluence (about 13 kilometres west of Baijo) of the river Hazil and the watercourse coming down from the Tanin Hills : a line following the right bank of the Hazil.

3) Thence eastward to a point about 4 kilometres northwest of Baijo : a line following the ridge.

4) Thence north-eastwards to a point on the river Khabur about 1 kilometre south of Bait-us-Shabab : a line to be fixed on the ground, passing about 3 kilometres to the north-east of Testian.

5) Thence eastward to a point about 2 kilometres to the west of the Deri-a-Zin Pass : a line to be fixed on the ground.

6) Thence eastward to a point on the Great Zab about 2 kilometres south of Julamerk; a line following the ridge and cutting the Berdzan Su watercourse about 2 kilometres south of Kawara.

7) Thence south-eastward to the confluence (about 5 kilometres southwest of Neri) of the river Shemsdinan Su and the watercourse which comes down from the mountains east

of Neri : a line following the ridge Khisara, Supa Dirig, Nakhira Shirka, Sarta Dahg, Sat Dagh, Chia Chelli, Sei-i-Mazri.

8) Thence north-eastward to Hill 10,990 : a line to be fixed on the ground.

9) Thence eastward to a point on the Persian frontier (Dalamper Dagh) about 6 kilometres north of the Gadir Pass : a line to be fixed on the ground.

In support of its claim, the British Government put forward the following considerations :

Ethnologically, the peoples in the territory might be divided approximately as follows :

Arabs	185,700
Kurds	454,700
Turks	65,800
Christians	77,000
Jews	16,800
TOTAL	800,000

The number given for the Kurds included 30,000 Yezidis, who though similar in race to the Kurds, were not Moslems and had no Turkish sympathies.

According to the British figures the great majority of the inhabitants were not Turkish by race. Even those who were called Turks were not true Osmanli but Turkomans, and their Turanian language bore a closer resemblance to the dialects of the peoples near the Caspian than to that of the Turks of Constantinople or Anatolia.

The Arabs were substantially more numerous than the Turkomans, but both were much fewer than the Kurds, who though also Moslems were not related to the Turks either by race or by language.

Of the non-Moslem peoples—Yezidis, Christians and Jews—the first two formed fairly compact groups in the northern part of Mosul which was claimed by Turkey.

Politically. — The various elements of the population had already had an opportunity of expressing their feelings regarding the fate of their territory.

The *Arabs* naturally wished to remain in the Arab state of Iraq :

The *Yezidis* were satisfied to be under the impartial government which had ruled them since the war, and desired to remain permanently in a State which would enjoy British advice and protection for some time.

The *Jews* were only a small section of the population, but there was no doubt that they had the same desire as the Yezidis, and for the same reasons.

The *Christians* had been fiercely persecuted by the Turks for having supported the Allies during the war. Their tribes had several times been decimated, and the British Government felt it an imperative duty to secure the settlement of this population in accordance with its expressed claims and aspirations. The Christians, both Nestorians and Assyro-Chaldeans, had placed all their hopes in British protection, and if their lands in the north of the disputed area were not to be included in Iraq, they would be in danger of utter destruction.

The *Turks*, or rather the *Turkomans*, who did not form a compact body in any part of the territory, had reasons to be satisfied with the present government. Some of them, however, would welcome a return of Turkish rule.

The *Kurds* proper (excluding the Kurdish-speaking Yezidis) formed, as has been seen, more than half the population of the territory. During the Lausanne Conference, the Turkish delegation had contented itself with stating that they were closely related to the Turks. Actually, however, they were as different from the Turks as from the Arabs. They formed a separate people, speaking an Indo-European language; some lived in Turkey, some in Persia, and some in

Iraq. During the last few years Kurdish national sentiment had developed, and had manifested itself on several occasions. In 1923, the chiefs of certain tribes near Nowanduz stated that they wished to belong to Iraq, provided they were given certain guarantees regarding the use of their own language and the appointment of Kurdish officials in the Kurdish districts. In other parts of the territory inhabited by Kurds, and particularly in the Sanjak of Kirkuk, the Kurds stated at the beginning of 1919 that they wished their territory to be attached to the Vilayets of Baghdad and Basra. In 1921, the same Kurdish districts, except the town of Kirkuk, showed their attachment to the State of Iraq during the referendum on the election of King Feisal to the throne.

To sum up, one-twelfth of the population was racially and politically akin to Turkey, while about five-twelfths—Arabs, Yezidis and Christians—wished to be attached to Iraq. The remaining six-twelfths formed a separate people, who still inclined towards political unity with the other members of their own nation (though this tendency was rapidly disappearing), but who had close economic relations with Baghdad. They desired the maintenance of their existing political unity, subject to certain guarantees which the Iraq Government was willing to concede.

Economically, the export trade from the Vilayet of Mosul had Baghdad and the south of that territory as its principal outlet; it was also directed towards Syria, but in a lesser degree. The trade between Mosul and Turkey was insignificant. The imports from Turkey consisted chiefly of timber, rope, dried fruits, and tanning materials. The exports from Mosul to Turkey were mainly cotton goods and colonial produce, which had formerly been imported into Iraq through the port of Basra. Central and southern Iraq could not do without the northern region, and the people were convinced of the essential unity of the three Vilayets and had unanimously claimed it. The Turkish Delegation had formally admitted

that Baghdad needed the wheat from Mosul, but pointed out that most of it came from the Turkish territory to the north and only passed through Mosul in transit. The British Delegation disputed this statement.

The frontier proposed by the British Government took into account the economic interests of the inhabitants of the area which had Mosul for its market. It had the advantage of ensuring that the stock-breeders on the plains had the mountain pastures they required.

Geographically and *strategically* the proposed frontier was the best that could be found. The line followed inaccessible mountain ranges and barren peaks, which formed an obstacle practically insurmountable in winter, and in summer only to be crossed by a few almost inaccessible passes, which were by no means easy of access. This boundary should ensure a more tranquil future for the peoples whose destinies would be bound up with those of Iraq, particularly the Assyrians, who were afraid of finding themselves again under Turkish rule, and whose presence in the frontier region would be most valuable to Iraq.

From the *military* point of view, the new frontier could be easily guarded, and would make the whole territory secure, a most important consideration since any possible source of agitation and uneasiness was dangerous among these peoples.

The frontier proposed by the Turkish Government, which would follow the Jebel Hamrin, would offer none of these advantages. The name did not denote a mountain chain, but a region of rolling downs extending in certain parts to within 60 miles of Baghdad.

In conclusion, the British Government observed that it might have made far more extensive claims, but deliberately contented itself with proposing a frontier which, in its opinion, formed after exhaustive and detailed examination, would contribute more than any other to the peaceful development and prosperity of the neighbouring regions.

(*b*) *Turkish case.* The Turkish Government claimed the following frontier : Diala, Jebel Ham- rin, Jebel Fuhul, Wadi, Tartar, Jebel Sinjar. Under this claim the whole of the Vilayet of Mosul would have been under Turkish sovereignty. Indeed, the Turkish Government pres- sed for a definition of the question in dispute which, in its view, was that of the future of the Vilayet of Mosul. Its initial observations on the British Memorandum were to the following effect :

(1) That the question of the frontier between Turkey and Iraq, referred to in Article 3 of the Treaty of Lausanne, was being confused with the question of the future of the Vilayet of Mosul;

(2) That the British case, as formulated in the Memorandum submitted to League, also included claims to territories outside the Vilayet of Mosul, and consequently outside the scope of the question which the two parties had agreed to submit to the Council.

In the course of the negotiations at the Lausanne Conference both parties had tried, not only to settle the actual dispute, but to agree on the method of settling it. The Turkish Delegation had constantly pressed for a plebiscite. The British Delegation had rejected this proposal, and the two parties had then decided to refer the matter to the Council of the League — in other words, to ask the Council to determine " the most appropriate means of ascertaining the true situation in the Mosul region ". According to the Turkish Government, therefore, one of the most important duties of the Council was to decide what procedure was to be followed for finding a solution which would be entirely equitable. What the Turkish Government expected the Council to do was to hold a plebiscite in the Vilayet of Mosul under the supervision of a Mixed Commission, composed of Turkish, British and neutral members.

With regard to the main question—that of the allocation of the Mosul area—the Turkish Government refuted the various arguments advanced by the British Government in support of the claim that the territory in question should be attached to the Kingdom of Iraq.

On *ethnographical* grounds the Turkish Government disputed the British figures and said that the settled population of the vilayet, according to official statistics, was as follows :

Kurds	263,830
Turks	146,960
Arabs	43,210
Yezidis	18,000
Non-Moslems	31,000
TOTAL	503,000

The Arabs were only a quarter of the number of the Turks, and the Turkish Government denied that there was any distinction between Turks proper and Turkomans. It held that the Turks of Anatolia and the Turks of the Vilayet of Mosul were absolutely identical.

The Kurds were incontestably in the majority in the three sanjaks. Like the Turks they were Moslems; so also were the Yezidis, who although a distinct sect, were otherwise not separate. The non-Moslems (the Christian tribes) represented only one-seventeenth of the total population. Thus more than four-fifths of the population of the Vilayet were Turks and Kurds, and less than onefifth Arabs and non-Moslems. Consequently the Vilayet of Mosul was an integral part of a large section of Turkey in which the population was a mixture of Turkish and Kurdish elements, whereas the territory of Iraq was peopled by Arabs.

On *political* grounds the Turkish Government objected to the British Government's statements as to the sentiments and desires of the population. The British Memorandum had

referred to the plebiscites which had taken place in certain parts of the territory, and in particular to that held before the accession of the Emir Feisal to the throne. The Turkish Government doubted whether the Kurds had been able, on that occasion, to express their wishes quite freely and genuinely. It also pointed out that two of the three administrative divisions of the Vilayet of Mosul, on which the Kurdish population was particulary numerous, had voted against union with Iraq.

With regard to the Arabs, the Turkish Government denied that they had voted so definitely for attachment to Iraq as the British Government asserted. But in any case, since according to the Turkish statistics they formed only a small minority, their vote could not have decided the fate of the whole territory even if it had been cast solidly in favour of that solution.

The wishes of the non-Moslems — Nestorian and Assyro-Chaldean Christians — could not be advanced as a serious argument for any solution, since they were only a very small minority. It was true that these Christians had to suffer for having fought during the war against their Moslem fellow-countrymen, among whom they had lived in comfort and security for centuries. It appeared to be the intention of the British Government to collect these various Assyrian, Persian and other elements into a compact body on the frontier between Turkey and Iraq. It was open to question, however, whether such an arrangement would be in the true interests of that community, and it seemed possible that the solution in question was based on other political considerations. Any decision that would have the effect of separating Kurdish districts from Turkey would be a constant source of trouble and unpleasantness between Turkey on the one hand, and Iraq, and Great Britain on the other. The factitious grouping of Assyrians on the frontier, so far from securing a lasting peace in those regions, could only place it in jeopardy.

Historically, Mosul and the region to the north of Baghdad had belonged to the Turks for six centuries without interruption, and *geographically* the Vilayet of Mosul had been regarded by several writers as naturally attached to Anatolia, to which it showed striking resemblances, especially in climate.

Economically, the Vilayet of Mosul was of very great importance to Turkey because all the routes between Anatolia, Syria and Persia passed through it. Communication between the different parts of Southern Anatolia also took place by routes passing through the Vilayet. The Turkish Government rejected the British argument that Iraq must possess the Vilayet of Mosul in order to secure its supplies. Iraq proper — the Vilayets of Basra and Baghdad — was fertile enough not to be dependent on the neighbouring territories, but even if it were, the existence of a frontier-line would not form an insuperable obstacle to the exchange of the products of the two territories.

A glance at the pre-war statistics would show that Mosul's trade was more with Diarbekr — that is, with the north — than with Baghdad and the Persian Gulf. And, since the construction of a railway connecting Mosul with the Mediterranean ports, that city was much more closely linked with Anatolia than with the Persian Gulf. Again, the argument that the Vilayet of Mosul was economically inseparable from Iraq was difficult to sustain when it was remembered that the British Government, in the agreement it had concluded with France in 1916, had arranged that the Vilayet of Mosul should be placed under French mandate.

Strategically, the Turkish Government considered that the frontier which it claimed had the advantage of forming a definite natural boundary between two regions. The Turkish Government deliberately refrained from discussing the strategical advantages of the frontier proposed by the British Government, and merely pointed out that it was obvious that no invading army would choose to enter a

territory by wellnigh inacessible moutain passes but would prefer the valleys and the plains. Consequently the mountain barrier demanded by the British Government could not secure the defence of Iraq, which could always be invaded at other easily accessible points on its frontier. The ideal strategic frontier between Turkey and Iraq would therefore be identical with the frontier which would respect the legitimate rights of the population of the Vilayet of Mosul.

CHAPTER II

THE DISPUTE AS LAID BEFORE THE COUNCIL, AND A DEFINITION OF THE COUNCIL'S TASK

On September 20th, 1924, the Council of the League of Nations first took up this question, which was to occupy its attention for more than a year. Throughout the whole period covered by the preliminary work for the settlement of the dispute the Swedish representative on the Council acted as rapporteur. In this capacity M. Branting, the Swedish Prime Minister, brought the question before the Council and gave an account of the various circumstances which had led to its submission to the League for settlement. The British Government was represented by Lord Parmoor, and the Turkish Government by Fethy Bey, President of the Turkish Grand National Assembly.

On the basis of the memoranda which their respective Governments had submitted, the British and Turkish delegates set forth the main points of their cases and explained to the Council their views on the nature of the dispute.

The British Government maintained that the question before the Council was not whether the Vilayet of Mosul should belong to Turkey or to Iraq, but what should be the actual northern frontier of Iraq; and the British delegate laid stress upon the arguments in favour of his Government's claim that the frontier line should follow the mountain crests.

In the Turkish view the question was whether the Vilayet of Mosul was to remain under Turkish sovereignty or be annexed to Iraq. The Turkish Government claimed the Vilayet of Mosul as far as a line which followed the mountainous region of Jebel Hamrin, and it asserted that the population of the territory did not wish to be separated from Turkey. In the Turkish Government's opinion, therefore, the Turkish-Iraq frontier could not be fixed until a plebiscite had been held, under conditions guaranteeing freedom of voting, to determine what was to be done with the Vilayet of Mosul.

The Council was thus asked to decide two points : first, what was the nature of the dispute and the task entrusted to it; and secondly what procedure should it follow to ascertain the wishes of the population of the Vilayet.

The first step was to ascertain whether the delegations of the two parties acknowledged the Council's right to find any solution which it might deem equitable without having to choose between the alternatives actually submitted to it.

M. Unden, the Rapporteur, put this question to the Delegates of the two Governments and asked for their views as to the meaning of Article 3, paragraph 2, of the Treaty of Lausanne, and also as to how far they considered themselves bound in advance by the Council's decision.

The British representative replied that in his Government's view the Treaty of Lausanne placed the Council in the position of an arbitrator, and declared most explicitly that the British Government would hold itself bound by the Council's decision. The Turkish representative stated that his Government

recognised all the powers conferred upon the Council by Article 15 of the Covenant of the League. With regard to the nature of the dispute and the right of the Council to find any equitable solution, the representatives of both Governments agreed that the Council was not bound by the extreme claims that had been submitted to it. The British Government, through its representative, recognised the Council's right, when tracing the frontier between Turkey and Iraq, to select any line which, after the necessary study and investigation, it might think fit to adopt. The Turkish representative expressed a similar view, and added that he was sure that in its decision the Council would be guided primarily by the wishes of the population.

As we have seen, the Turkish Government asked the Council not to decide the disposal of the Vilayet of Mosul until it had ascertained the wishes of the population by means of a plebiscite; but this procedure was opposed by the representative of the British Government, who doubted whether the population was politically advanced enough fit to cope with the complex problems of a territorial settlement. A plebiscite might give rise to distur- bances, and accordingly the British Governement proposed that the Council should refer the problem to an impartial commission who would have all the necessary information at their disposal and might, if they thought fit, conduct an enquiry on the spot.

The information it obtained during its next meetings enabled the Council, on September 30th, to adopt a first resolution, which dealt partly with the nature of its task and partly with the procedure for obtaining the data necessary to a decision.

This resolution reads as follows :

" The Council.....

" Having heard the statements of the representatives of the British and Turkish Governments, who

undertook on behalf of their respective Governments to accept in advance the decision of the Council on the question referred to it;

" With a view to collecting the facts and data which it requires to fulfil the mission entrusted to it... :

" Decides to set up a special Committee of three members. This Committee shall lay before the Council all information and all suggestions which may be of a nature to assist it in reaching a decision. It shall give due consideration to the existing documents and to the views expressed by the interested parties both as regards the procedure and as regards the substance of the question. It shall receive all communications which the parties may wish to transmit to it. It may proceed to investigations on the spot and in that case may avail itself of the services of advisers appointed respectively by each of the two Governments concerned.

" The Committee shall fix its own procedure. The Secretary-General shall furnish it with the necessary staff and shall advance it the funds which it may require, such advances to be refunded to the League in equal proportions by the Governments concerned. The Council instructs its President and its Rapporteur on this question to appoint the members of the said Committee by common agreement.

" The Council notes the declaration of the British and Turkish Governments to the effect that, pending the decision to be reached on the subject of the frontier, no military or other movement shall take place which might modify in any way the present state of the territories whose final fate will depend upon that decision. "

CHAPTER III

THE ESTABLISHMENT OF A PROVISIONAL BOUNDARY

At the end of the resolution quoted above, the Council reminded the two Governments of their undertaking to abstain, pending the decision, from any military or other movement which might modify the situation in the disputed territory. Both Governments had complained that incidents had occured in the northern zone of the Vilayet of Mosul. The Turkish Government had called the Council's attention to certain operations carried out by the British air forces stationed in Iraq, which had flown over territory administered by Turkey. The British representative also had protested against the movements of Turkish troops in the immediate vicinity of the frontier line.

On October 14th, 1924, the British Government informed the Council that a dispute had arisen with the Turkish Government over the interpretation of the last paragraph or the Council's resolution regarding the maintenance of the *status quo* on the provisional frontier. An urgent meeting of the Council was called at Brussels on October 27th. From the statements made by the representatives of the two Governments it was clear that both intended to respect the *status quo*, i. e., the territorial situation at the time when the Treaty of Lausanne was signed, but they could not agree as to the exact area which they were entitled to administer pending the final decision of the Council. It was upon this question of fact that they were unable te agree. The Council thought that steps should be taken to prevent any tresh dispute arising during the period required to prepare a settlement and with the help of expert cartographers, traced a line defining the territory to be occupied and administered by each party pending the

establishment of a final frontier. The Council's resolution gave as detailed a description as possible of the line chosen (1), and laid down that any area occupied or administered contrary to the terms of the resolution must be evacuated within fifteen days. This decision, which was accepted by both Governments, produced the desired effect. As will be seen later, no incidents of any kind occurred in the vicinity of the provisional line when the Commission of Enquiry visited the northern part of the disputed territory.

CHAPTER IV

WORK OF THE COMMISSION

(a) *Its Composition.*

The task of selecting the members of the Commission of Enquiry was entrusted to the President of the Council, who after a few days chose Count Teleki, a former Prime Minister of Hungary, M. de Wirsen, a Swedish Minister Plenipotentiary and Colonel Paulis, a Belgian.

The Commission met at Geneva on November 13th, and M. de Wirsen was appointed President.

After carefully examining the documents supplied to it, the Commission found that it would have to carry out an enquiry on the spot in order to obtain fuller data. It felt, however, that it should first obtain more information from the two Governments, and accordingly went to London and then to Angora, the object being to dispel any misunderstanding as regards the Commission's powers. It was anxious

---

(1) See Map attached.

to make it clear that Council had in no way restricted its discretionary powers, and that, as regarded both the procedure to be followed and the subject of the dispute itself, it was free to choose between the British and Turkish cases or to propose any frontier line it might deem desirable, irrespective of the extreme claims put forward by the two Governments. The Commission succeeded in gaining acceptance of this view both in London and at Angora. At its suggestion a British and a Turkish assessor were added to accompany it to the area in dispute. These assessors were General Jevad Pasha, for Turkey, and Mr. Jardine, for the British Empire, assisted by Saby Bey, the representative of the Iraq Government.

The Commission travelled *via* Damascus and the Syrian desert and arrived at Baghdad on January 16th, 1925.

(b) *The Investigations.*

In Baghdad, to which it proceeded first, the Commission obtained from the Iraq Government all the assurances necessary to enable it to fulfil its task, and in particular to enable the Turkish assessor and his colleagues to carry out the duties entrusted to them on the Commission. It also took advantage of its visit to Baghdad to receive representatives of various groups of the population. In particular it tried to obtain information about the economic interdependence of the old Vilayets of Mosul and Baghdad.

It then proceeded to Mosul, where it arrived on January 27th. There its work was delayed by fresh negotiations which it considered necessary in order to ensure full freedom of action. The Turkish assessor and the experts accompanying him were not,it seemed to the Commission, as free to move about as they should have been. The Commission was also anxious to make sure that no one should be under any kind of apprehension for having shown Turkish sympathies. After some days spent in negotiations, adequate assurances were obtained on both counts, and the Commission was able to

begin its enquiry without further delay. The method adopted, which had been decided upon beforehand, enabled it to get into touch with all the different elements of the population. The two assessors provided the Commission with a list of persons whose views they desired it to hear, and who were then asked to meet the Commission and invited to make frank statements of their views.

The Commission then decided, in order to expedite its work, to split up into sub-commissions, each visiting certain parts of the disputed territory. The enquiry conducted in the villages and among nomad tribes was particulary difficult, as in many cases the people are in a very backward state of civilisation. Moreover, many of the inhabitants of the outlying regions knew very little about the questions on which the Commission had to consult them. The Commission was obliged to adapt its method of enquiry to the circumstances and ideas of the witnesses. Its activities were mainly directed to inspiring confidence in those whom it consulted. It had the satisfaction of finding that evidence of this confidence increased appreciably as its investigations proceeded. The Commission met at Kirkuk, visited the important area of Sulaimaniya, and returned to Mosul on March 8th. There it resumed its investigations and interviewed religious authorities and owners of property, resident in the town itself or in its immediate vicinity.

The members of the Commission then went to the frontier district and visited Zakho and the larger Christian villages in that region; and also the localities inhabited by the sect of the Yezidis. They received delegations from Amadia and the other districts of the northern part of the territory, the whole which they had not been able to visit. Everywhere the Commission visited markets and bazaars and questioned traders and artisans. It collected ethnographical and geographical observations, and particulars as to means of communications and agricultural resources.

In order to complete its enquiry the Commission made aeroplane flights over different parts of the territory, particularly those proposed as frontiers by the two Governments, the Wadi-Tartar and the Jebel-Hamrin in the one hand, and on the other, the provisional « Brussels line » at Zakho in the neighbourhood of Rowanduz.

The Commission left Mosul at the end of March and returned direct to Europe.

(c) *The Report.*

The Commission met at Geneva from April 20th to July 16th, 1925, to draft its Report. This volume, consisting of about 100 pages, with maps, graphs and statistics, is one of the most interesting and remarkable documents which have been prepared for the use of the Council of the League.

Its main features and the conclusions reached in it are as follows :

It begins with a statement of the Commission's method of work. The Commission obtained its information by questioning all the persons and groups capable, in its opinion, of furnishing trustworthy indications of the aspirations and interests of the population in the disputed territory. The Turkish Government, having based its case on a consultation of the populations concerned, and the British Government having also emphasised the importance of this factor, it was essential that the Commission should endeavour, by the most thorough methods, to ascertain the wishes of these populations.

The Commission could not see its way to accept the Turkish Government's view that the population should be consulted by means of a plebiscite. On this point it concluded that in view of the uneducated state of the population, the archaic character of the social organisation and the impossibility of establishing a provisional neutral administration, the practical difficulties would have been insurmountable and it would be extremely doubtful whether the voting would be

honest. It therefore considered that the method of procedure proposed by the British Government was that most likely to provide the Council with the data necessary to settle the dispute. It followed this procedure in the course of its work; at the same time it kept constantly in mind the Turkish Government's desire and left no stone unturned to find out what the inhabitants desired.

After summarising the arguments submitted by the British and Turkish Governments respectively, the Report proceeds to a critical examination of these arguments and classifies them under the following heads : geographical. ethnographical, historical, economic, strategic and political.

The analysis of the geographical arguments contains a description of the respective frontiers proposed by the British and the Turkish Governments; an account of the geographical, geological and climatic features connecting the disputed territory with the neighbouring territory on the north and south, and a study of the roads and routes of communication.

The analysis of the ethnographical arguments includes a study of the population, of the character and affinities of the various races, the religions and sects, their distribution in the terri tory, the character of the town of Mosul, the system of property ownership, etc.

The historical arguments relate to the actual period of Turkish sovereignty in Mosul and the interdependence of the regions of Mosul and Baghdad.

As regards the economic relations of the Vilayet of Mosul with Anatolia on the one hand and Iraq on the other, the Commission compares the replies of the two Governments to the questionnaires sent to them. It divides the Vilayet from the economic point of view into three main sectors, and studies what the effect on each would be if it were attached to Turkey or to Iraq.

Dealing with strategy, the Report examines from the point of view of the security of the two neighbouring countries the frontier lines proposed by Great Britain and by Turkey, and also the " Brussels line ".

The examination of the political arguments comprises a description of the political tendencies which the Commission found on its enquiry in the different parts of the territory and among the different sections of the population. A special chapter is devoted to the Assyrian problem.

In the last part of the Report the opinions of the Commission on each of the questions studied in the various chapters enumerated above are brought together to form a general conclusion. The opinions on individual subjects are set forth in explanation. The text of the final conclusion, which contains the Commission's proposals for a settlement, is reproduced below :

Looking at the question entirely from the point of view of the populations concerned, the Commission considers that it would be to some advantage that the disputed area should not be partitioned.

On the basis of this consideration the Commission, having assigned a relative value to each of the facts which it has established, is of opinion that important arguments, particulariy of an economic and geographical nature, and the sentiments (with all the reservations stated) of the majority of the inhabitants of the territory taken as a whole, operate in favour of the union with Iraq of the whole territory south of the "Brussels line", subject to the following conditions :

(1) The territory must remain under the effective mandate of the League of Nations for a period which may be put at twenty-five years;

(2) Regard must be paid to the desires expressed by the Kurds that officials of Kurdish race should be appointed for the administration of their country, the dispensation

of justice, and teaching in the schools, and that Kurdish should be the official language of all the services.

The Commission is convinced that if the League of Nations' control were to terminate on the expiry of the four-years Treaty now in force between Great Britain and Iraq, and if certain guarantees of local administration were not to be given to the Kurds, the majority of the people would have preferred Turkish to Arab sovereignty.

The Commission is also convinced that the advantages of the union of the disputed territory with Iraq would in that case be exchanged for very serious political difficulties, and considers that under those circumstances, it would be more advantageous for the territory to remain under the sovereignty of Turkey, whose internal conditions and external political situation are incomparably more stable than those of Iraq. Whatever decision may be taken, it is essential, however, that Iraq should retain the Diala region, which is necessary for the solution of the irrigation problem.

The Commission feels bound to leave it to the Council of the League of Nations to appraise the legal and political arguments stated in its report, and to decide what relative weight should be given to them as compared with the other arguments. Should the Council, as the outcome of its examination, consider it equitable to partition the disputed territory, the Commission would suggest that the best line would be that approximately following the Lesser Zab. This line is described in greater detail elsewhere in the present report.

This conclusion is followed by certain special recommendations on the measures for ensuring peace within the country, the protection of minorities (particulary the non-Moslem minorities) and lastly, the measures which might be taken to help restore the commercial activity of the territory.

CHAPTER V

RESUMPTION OF THE WORK BY THE COUNCIL

PREPARATION OF A SETTLEMENT

a) *Discussion of the Commission's Report.* — At its session of September 1925 the Council examined the Commission's Report, and at several meetings heard the observations of the two Governments both on the conclusions of the Report itself and also on the question at issue and the procedure to be followed in order to reach a settlement.

The British representative objected to the conclusion reached in the report that the disputed territory was still legally under Turkish sovereignty. Though not disputing that from a purely theoretical point of view Turkish sovereignty might still exist, he pointed out that Turkey had agreed in advance upon a final renunciation of her sovereignty over all territory beyond the line to be fixed by the Council as the frontier.

The British representative also referred to the passages in the Commission's report relating to the insurmountable practical difficulties which would arise if a plebiscite were organised, and observed that this opinion coincided with the view constantly expressed by his Government. As regards the final considerations of the report (reproduced above), and more especially the conditions under which the disputed territory could be attached to Iraq, the British representative observed that the Commission's suggestion that the League of Nations mandate might be extended for a period of 25 years could not in his Government's view involve any change in the status of Iraq as determined by the treaty in force between that kingdom and the British Empire.

Subject to this interpretation the British Government declared its willingness, before the expiration of that treaty in 1928, to supersede it by another treaty concluded for a longer period, whereby the mandatory Power would remain responsible to the League until the Council was assured that the conditions contemplated by the Commission were fulfilled and it was possible to admit Iraq as a Member of the League.

The British representative raised certain objections to the Committee's conclusion that the provisional « Brussels line » should become the permanent frontier between Turkey and Irak. When the case had first been brought before the Council his Government had asked that the frontier should pass north of the provisional line, as it would then, in the British Government's view, afford better guarantees of security for Iraq and would also enable the survivors of the Christian Assyrian nation to live once more in part of their ancestral home. The British representative also objected to the Commission's suggestion that the frontier should follow the line of the Lesser Zab, as he considered that this settlement would divide the territory in a manner harmful to the economic interests of Iraq.

Such were the principal observations laid before the Council by the British representative.

The Turkish delegate's observations bore principally upon three points : the facts noted by the Commission in the disputed territory, the legal situation there, and the general conclusion of the Commission's report.

In the Turkish delegate's view the facts noted by the Commission proved that, from the geographical, historical and ethnographical stand-point alike, the disputed territory was closely linked to the adjoining territory of Turkey.

From the economic point of view the report, although it laid stress on the ties that connected the interests of the

disputed territory with those of the Vilayet of Baghdad, admitted that the genuineness of the evidence obtained to that effect was not always above question. The Turkish representative added that according to the Commission itself the interests of the inhabitants could be safeguarded by economic agreements, whatever solution might be found for the territorial problem.

As to the legal status of the territory the Turkish Government considered that the Commission had fully recognised the soundness of the Turkish case.

Passing to the Commission's proposal regarding the establishment of a mandate over the disputed territory for a period of twenty-five years in the event of its being annexed to Iraq, the Turkish representative observed that, when examining any question submitted to it, the Council was bound by the treaties concluded between the States concerned. Turkey had not concluded any treaty recognising the establishment of mandates for the parts of the former Ottoman Empire which had been taken away from it, and asked could she now be expected to agree to the institution of a mandate for a territory which was at present an integral part of her national patrimony as a precedent condition to the detachment of that territory? The Turkish representative also objected to a settlement ostensibly based on considerations as to the relative degree of development of the countries concerned. Turkey laid claim to the disputed territory regardless of any consideration of that kind : in her view the territory had never ceased to be an integral part of her patrimony, and the inhabitants demanded the continuance of Turkish sovereignty. In conclusion, he stated that the members of the Commission had exceeded their powers in expressing an opinion on a question which had not been raised namely, the establishment of a mandate in any form or for any period whatsoever. Moreover, " the very idea of introducing the effective mandate of the League of Nations would result in attributing to the

League the character of a claimant, when the League had in fact been resorted to as a mediator ". Consequently, in considering the Commission's final conclusions, whether from the political or from the legal stand-point, the question of the mandate must be left out of account.

b) *Appointment of a Committee of the Council.* — The Council decided to submit to a careful examination both the conclusions of the Commission's report and the observations which they had called forth from the representatives of the two States concerned. For that purpose it appointed a Committee of three of its members — M. Unden, (Sweden), M. Quiñones de Léon, (Spain), and M. Guani, (Uruguay) — to examine the evidence and arguments which the representatives of the two Governments concerned might desire to put forward. The Council Committee set to work at once upon its task, which lasted from September 4th to September 19th. Its object was to reconcile the views of the two parties and induce them to accept a settlement by mediation, but its efforts proved fruitless. It was faced, too, with difficulties of another kind : its consultations with the parties elicited the fact that the latter did not agree as to the extent of the Council's powers.

The were two questions which were of special importance, and in view of their legal nature the Committee considered that, while it should continue its work, it should propose to the Council to submit them for an advisory opinion to the Permanent Court of International Justice.

c) *Request for an Advisory Opinion from the Permanent Court of International Justice.*

On September 10th, 1925, the Council, in conformity with the proposals of the Committee, adopted the following resolution :

The Council of the League of Nations, having been seized of the question of the frontier between Turkey and Iraq, by appli-

cation of Article 3, paragraph 2 of the Treaty of Lausanne, decides, for the purpose of elucidating certain points of law, to request the Permanent Court of International Justice to give an advisory opinion on the following questions :

I. What is the character of the decision to be taken by the Council in virtue of Article 3, paragraph 2, of the Treaty of Lausanne ? Is it, for example, an arbitral award, a recommendation, or a simple mediation?

II. Must the decision be unanimous or may it be taken by a majority? May the representatives of the interested parties take part in the vote?

The Permanent Court is requested to examine these questions, if possible, in an extraordinary session.

The Council requests the Governments of Great Britain and Turkey to be at the disposal of the Court for the purpose of furnishing it with all relevant documents or information. It has the honour to transmit to the Court the Minutes of the meetings of the Council at which the question of the frontier between Turkey and Iraq has been examined.

The Secretary-General is authorised to submit the present request to the Court, together with all the relevant documents, to explain to the Court the action taken by the Council in the matter, to give all assistance necessary in the examination of the question, and, if necessary, to take steps to be represented before the Court.

The British delegate, though he did not oppose the request for an advisory opinion recommended by the Council, expressed regret at the delay which would be caused by this new procedure. As he pointed out, his Government took it for granted that there was no doubt as to the Council's competence; the only doubtful points were the two questions which the Committee had proposed to refer to the Court.

The Turkish representative objected to the Permanent Court of International Justice being consulted on questions which, in his view, were essentially of a political character.

He maintained that the advisory opinion of the Court could not in any way affect the rights of the Governments or modify those already accorded to the Council, as both were based solely on the Treaty of Lausanne and the Covenant of the League. The Turkish National Assembly could not consider itself bound by any undertaking outside the treaties which it had ratified, and therefore no declarations or undertakings which modified the provisions of those treaties could be binding upon it except with its own consent.

The Council, before concluding its session, reminded both parties of the undertaking they had given not to carry out, pending the decision regarding the frontier, any military or other movement which might modify in any way the existing state of the territory.

As will be seen in a subsequent chapter, incidents did occur in the provisional frontier area, and accordingly the Council had to take the matter in hand and decided to send a Supervisory Commission to the area in question.

CHAPTER VI

THE QUESTION BEFORE THE PERMANENT COURT OF INTERNATIONAL JUSTICE

The Court held a special session at the beginning of November in accordance with the Council's request. It invited the two Governments concerned to send representatives and supply it with any supplementary information they might desire to submit to the Court. The British Government agreed to be representated, but the Turkish Government only communicated documents and sent notes in reply to certain questions which were put to it.

On November 21st the Court held a public meeting at which the Advisory Opinion given in reply to the Council's questions was read. The first part of this Opinion set forth the events which had led the Council to refer the question to the Court. The Court then proceeded to a detailed examination of the first question, which, as we have seen, was as follows :

" What is the character of the decision to be taken by the Council in virtue of Article 3, paragraph 2, of the Treaty of Lausanne. "

This paragraph — which is quoted in full in the introduction — lays down that " in the event of no agreement being reached between the British and Turkish Governments in regard to the fixing of the frontier between Turkey and Iraq, the dispute shall be referred to the Council of the League of Nations ", and that pending the decision the parties undertook to maintain the *status quo* in the territories the final fate of which depended upon that decision.

In this question the Court, seeing that its task was primarily to give an interpretation of Article 3, paragraph 2, of the

Treaty of Lausanne, made a detailed analysis of that paragraph in order to ascertain the factors determining the nature of the decision to be taken by the Council. It concluded that the intention of the parties was, by means of recourse to the Council as provided in the paragraph in question, to ensure a final and binding solution of the dispute; in other words, they had intended that the frontier should be fixed by the Council. The object of this Article, as shown in the first paragraph, is to fix the southern frontier of Turkey, and a frontier, as the word itself implies, should constitute throughout its entire length a precise and definite boundary; and should the parties fail to reach an agreement after the negotiations they had undertaken to enter into, the only remaining means of reaching a settlement was to place the final decision in the hands of a third party, in this case the Council of the League.

As we have seen, the second part of the Council's first question related to the nature of the decision which the Council would have to take under the terms of Article 3 of the Treaty of Lausanne. The document which the Council sent to the Court contained an explanatory parenthesis mentioning the three terms " arbitral award ", " recommendation " and " simple mediation ". In reference to these the Court found first of all that if the word " arbitration " is taken in a wide sense, characterised simply by the binding force of the pronouncement made by a third party to whom the interested parties have had recourse, it might be said that the decision in question was an " arbitral award ».

The Council's powers are defined in Article 15 of the Covenant, which only refers to recommendations of a non-obligatory character. There is no reason, however, why parties should not agree in advance that as far as they themselves were concerned, the Council's recommendations should have the force of a decision which by virtue of their previous consent would compulsorily settle a dispute. Thus, in view

of its binding character, the decision which the Council would take in this matter would not be a mere recommendation, still less would it be a case of " simple mediation " by the Council. The Court was careful to point out, however, that in agreeing to refer the dispute to the Council the parties certainly did not lose sight of the fact that the Council's powers of mediation and conciliation form an essential part of the functions of that body. It was when such procedure failed that the Council would use its power of decision.

The second question submitted to the Court by the Council was whether its decision must be unanimous or might be taken by a majority vote, and whether representatives of the interested parties might take part in the vote.

In its Opinion the Court pointed out, in virtue of arguments based on the nature of the Council itself, that the dispute, even though not submitted to the Council under a clause of the Covenant, had nevertheless been referred to that body in its existing form, with the organisation and functions conferred upon it by the Covenant. The Court concluded from this that observance of the rule of unanimity was naturally and even necessarily indicated. This rule is laid down in Article 5 of the Covenant, and a departure from it is not allowed except in clearly specified circumstances, none of which applied in the present case. In the Court's opinion, however, the strict rule of unanimity is modified by a principle embodied in several provisions of the Covenant, namely that for the purpose of the required unanimity the votes cast by the representatives of the interested parties do not count. Accordingly the Court's conclusions on the two questions put to it were as follows :

(1) That the " decision to be taken " by the Council of the League of Nations in virtue of Article 3, paragraph 2, of the Treaty of Lausanne will be binding on

the Parties and will constitute a definitive determination of the frontier between Turkey and Iraq.

(2) That the " decision to be taken " must be taken by a unanimous vote, the representatives of the parties taking part in the voting but their votes not being counted in ascertaining whether there is unanimity.

CHAPTER VII

FINAL DECISION OF THE COUNCIL

(a) *Adoption of the Court's opinion.* — After making a final attempt at mediation, the Council, using its powers as arbitrator — powers which it had been recognised to possess by the Court's Opinion — gave its decision on the question in dispute.

It was clear at the very first meeting of the session of December 1925 at which the question was considered that the Turkish representative's views differed from those of his colleagues on the Council as to the action to be taken upon the Court's Opinion.

The Council's first task was to give its decision on the Opinion. The Swedish representative, who reported on the question, proposed to his colleagues to adopt it.

The British representative, who then spoke, merely observed that his Government had always regarded itself as bound in advance by the Council's decision.

The Turkish Government, however, took a different view. Its representative put forward the same arguments as at the September session; the Turkish Government could not accept

any interpretation of Article 3, paragraph 2, of the Treaty of Lausanne contrary to that given by the Turkish Grand National Assembly at the time when it ratified the Treaty, and therefore, could not consider itself bound by the Court's Opinion. It had not, of course, refused to send to the Court in writing the information it had been asked to supply on certain points of detail, but it asserted that the Advisory Opinion had been given " after hearing only one of the parties to the dispute, which moreover had argued its case at great length ". The Turkish Government, when it referred the question to the Council for settlement, had never intended thereby to create any pretext or excuse for accepting what it had refused at Lausanne by leaving the settlement of so important a question to the " luck of arbitration ". According to the Turkish Government, the essential duty of the Council, under the terms of the Covenant, is to exercise a conciliatory and mediating influence and not to act as an arbitrator, except when expressly recognised as such. Article 3 of the Treaty of Lausanne does not confer upon the Council the power to take a decision which must be accepted — that is to say right to give a final decision. Being asked for his view regarding the adoption of the Advisory Opinion of the Court, the Turkish representative maintained that a unanimous vote of the Council was necessary, including the votes of the parties concerned.

The President said that the Council was dealing with a prior question as to the action to be taken upon the Advisory Opinion, accordingly its decision need only be taken by a majority vote. In the present case, however, the stricter rule based on the principle laid down in Article 15 of the Covenant might be followed. According to this rule the vote must be unanimous, apart from the votes cast by the States concerned. The question was put to the vote, each member of the Council voting individually, and the Advisory Opinion of the Court was adopted. The Turkish representative alone voted against it. He then expressed his regret

that his Government's observations had been rejected, and stated that in these circumstances he must regard the Council's vote not as a decision but as a recommendation, which he would duly notify to the Turkish Grand National Assembly.

(b) *Final Attempt at Mediation.* — As soon as the vote on the adoption of the Advisory Opinion had been taken, the Council's *rapporteur* observed that his colleagues had no intention of renouncing their duties as mediators, and that the Committee of the Council which had been formed in the previous September would pursue the negotiations it had already begun. In the week between December 8th and 16th fresh efforts were made by the Council Committee to offer a solution to the two parties. As it had done at every stage of the procedure, the Committee endeavoured to submit suggestions and proposals to serve as a basis for negotiation and agreement. With this object the Committee frequently exchanged views with the Turkish Delegation, but none of the suggestions put forward by either party seemed to the Council likely to provide a basis for discussion which would enable it to mediate with a view to a friendly settlement. As its *rapporteur* afterwards observed, the Council did not think fit to formulate proposals itself, because the parties themselves ought first to submit proposals with a view to a compromise, and, even so, the divergence between the proposals would not have to be so wide as to exclude all hope of conciliation. Moreover, the Council was bound to reserve its absolute right to take a decision — a right of which it would avail itself if necessary.

(c) *Resolution on the Substance of the Dispute.* — On December 16th, the Council announced its decision on the substance of the dispute. The Turkish representative did not attend the Council's meeting. He had sent a letter containing the following passages :

" All the proposals which I have previously made

with the object of reaching an agreement and of facilitating the rôle of mediator and conciliator which we have always recognised the Council to posess have had no result, and as the Council has decided not to carry out this rôle, I find myself obliged to inform you that these proposals are now *ipso facto* null and void.

" I desire further to declare that the sovereign rights of a State over a territory can only come to an end with its own consent, and that therefore our sovereign rights over the whole of the Vilayet of Mosul remain intact. "

The Council's *rapporteur*, after giving a general account of the case, observed that the decision which the Council was to give would, as stated in the Opinion of the Court, be binding upon both parties and would constitute a final delimitation of the frontier between Turkey and Iraq, and the Council could find no surer bases for its decision than those provided in the Commission of Enquiry's report.

Having read the final conclusions of the Commission, the *rapporteur* went on to say that the Council Committee had weighed the advantages and disadvantages of each of the solutions suggested. Of these it had singled out two possible solutions : either Iraq might be given all the territory situated south of the " Brussels line ", or the disputed territory might be divided by a line approximately following the Lesser Zab. The Committee had felt that it ought to obtain the opinion of all the other members of the Council, and they had eventually come to the conclusion that the first suggestion afforded the best solution of the problem entrusted to the Council.

The statement of reasons submitted by the *rapporteur* also indicated the condition governing this decision as regards the extension of the mandate recommended by the Commission of Enquiry.

Thereupon, in accordance with the Opinion of the Court, the Council adopted the following resolution unanimously, not counting the votes of the parties :

The Council :

Having regard to Articles 3 and 16 of the Treaty of Peace signed at Lausanne on July 24th, 1923.

In view of the conclusions of the report of the Commission of Enquiry.

Adopting the reasons and proposals contained in the report of the Committe of the Council,

Decides :

I. (Description of the proposed frontier, which coincides with the " Brussels Line ").

2. The British Government is invited to submit to the Council a new Treaty with Iraq, ensuring the continuance for twenty-five years of the mandatory regime defined by the Treaty of Alliance between Great Britain and Iraq and by the British Government's undertaking approved by the Council on September 27th, 1924, unless Iraq is, in conformity with Article 1 of the Covenant, admitted as a Member of the League before the expiration of this period.

As soon as, within a period of six months from the present date, the execution of this stipulation has been brought to the knowledge of the Council, the Council shall declare that the present decision has become definitive and shall indicate the measures required to ensure the delimination on the ground of the frontier line.

3. The British Government, as mandatory Power, is invited to lay before the Council the administrative measures which will be taken with a view to securing for the Kurdish populations mentioned in the report of the Commission of Enquiry the guarantees regarding local administration recommended by the Commission in its final conclusions.

4. The British Government, as mandatory Power, is invited to act, as far as possible, in accordance with the other suggestions of the Commission of Enquiry as regards measures likely to ensure pacification and to afford protection to all the elements of the

population, and also as regards the commercial measures indicated in the special recommendations of the Commission's report.

The British representative, on behalf of his own Government and of Iraq, accepted the Council's decision and announced that those Governments would loyally abide by it. He added that his Government intended at an early date to send the Council the text of a new Treaty between Great Britain and Iraq, the execution of which would give final effect to the Resolution adopted.

Before the close of the meeting the President of the Council read, on behalf of his colleagues, the following recommendation :

The Council,

Having taken the decision which it was called upon to take under Article 3, paragraph 2, of the Treaty of Lausanne,

Urges the two parties which have laid the question before it to reach friendly agreements in order to put an end to the regrettable state of tension existing between them owing to the dispute for which a solution has just been found. By doing so, they will assure the strengthening of the foundations of peace, which is the essential object of the League of Nations.

CHAPTER VIII

STEPS TAKEN BY THE COUNCIL TO MAINTAIN ORDER IN THE REGION OF THE PROVISIONAL LINE

(a) *Despatch of a Commission to the spot.* — During the session of September, 1925, both delegations put forward complaints with regard to incidents which had occured in the neighbourhood of the provisional line. In telegrams which were received during August, the Turkish Government protested against the activities of volunteer bands which were alleged to have attacked regular military posts, and also stated that British aeroplanes had flown over Turkish territory to

the north of the Brussels provisional line. It also protested against the British fleet's movements in the Aegean Sea, which, in its opinion, had " a significance which could not be attributed to mere chance ".

The British Government on the other hand complained that Turkish troops had crossed the Brussels provisional line and had attacked Christian villages. Acording to information received, the Turkish Government was systematically deporting the Christian population of the territory between the Brussels provisional line and the frontier claimed for Iraq by the British Government. At the British Government's request, and in order to ensure the maintenance of the *status quo* on the Brussels provisional line, the Council decided at its meeting of September 28th to send a League representative to the spot. For this purpose the Council selected General Laidoner (Estonian) and provided him with two assistants. The duty of the League representative was to keep the Council informed of the situation in the neighbourhood of the provisional frontier. The British representative stated that his Government and that of Iraq would give every facility to the League representative. The Turkish representative said that it was not in his power to give like assurances with regard to the area north of the Brussels line.

(b) *Report of the Commission despatched to the spot.* — General Laidoner, assisted by M. Markus of Estonian nationality, and Colonel Jac, of the Czechoslovak General Staff, proceeded to the area in dispute immediately after the Council session, and remained there until the December session, at which he was called upon to report to the Council on his work. The Turkish representative, who had been asked to take part in the Council's proceedings on the occasion of the examination of this report, declined the invitation.

The purpose of the Laidoner mission was to make an enquiry in the area south of the Brussels line, the Turkish Government having refused to admit the Council's represen-

tative to the zone north of this line. With regard to the scope of his task and the methods to be employed, General Laidoner was given a free hand. However, as will readily be understood, the obligation of confining his mission to the zone south of the Brussels line materially reduced his sources of information. The mission under his orders proceeded to investigate the various incidents previously brought to the Council's attention. It endeavoured to form an idea of the circumstances which had led to the attacks by chiefs of tribes and villages in the frontier districts and the occupation of certain villages by Turkish military patrols, of which the British Government had complained. Further, it attempted to as certain whether British aeroplanes had actually crossed the provisional line of demarcation, as stated by the Turkish Government. Lastly, it collected fairly complete information regarding the deportations of Christian tribes living between the provisional line and the frontier claimed by the British Government. General Laidoner was able to ascertain that 3,000 Christian fugitives had been driven from their villages, and that scattered groups were daily entering the zone in the neighbourhood of the provisional line.

" Among all the incidents which had taken place in the zone of the Brussels line ", said General Laidoner, " it was beyond question that the deportation of Christians constituted the most important fact, especially if it was considered that a fairly large population had been deported from the villages, and that these deportations were still going on... ".

General Laidoner's mission came to an end as soon as the Council pronounced its final decision on the substance of the dispute; but at the British Governments request his two assistants remained for some months in the neighbourhood of the frontier as finally fixed by the Council, their chief duty being to collect information as to the circumstances attending the gradual pacification of an area still disturbed by local incidents and especially by the influx of fugitives from the north.

CHAPTER IX

ENTRY INTO FORCE OF THE COUNCIL'S DECISION ANGLO-TURKISH AGREEMENT

a) *Entry into force of the Council's decision.* — The Council's decision, assigning to Iraq the disputed territory bounded on the north by the Brussels line, was not due to enter into force until the British Government should have accepted certain conditions. In the first place it was to submit to the Council a new treaty with Iraq ensuring the continuance of the mandatory régimefor twenty-five years or until such earlier date as Iraq was qualified, in the Council's opinion, to become a member of the League of Nations. Secondly, the British Government was invited to propose to the Council administrative measures calculated to give the Kurdish population guarantees. Lastly, the British Government was invited to act as far as possible on the suggestions of the Commission of Enquiry as regards measures likely to ensure pacification and to afford equal protection to all the elements of the population.

At the Council session in March, 1926, the British Government submitted the text of a new treaty signed at Baghdad on January 13th, 1926, which had been accepted by the Iraq legislature and approved by the British Government. This treaty confirmed the existing relations between the British Government and that of Iraq for a period of 25 years, according to the Council's, wish. The Turkish Government had been asked to send a representative to the meeting at which this treaty was to be submitted to the Council for approval, but had replied that it had had no opportunity of examining the Treaty, and that in any case its attitude to the Mosul question, which it did not regard as settled, had not changed.

In the absence of the Turkish representative, the Council noted that, as the prescribed conditions had been fulfilled, the decision of December 16th, 1925, fixing the frontiers between Turkey and Iraq, became final. At the same meeting the Council took note of a British report ou the administration of the Kurdish districts of Iraq. But as the territories whose fate had been decided by the Council were now incorporated in the Kingdom of Iraq, which was itself under League mandate, it became necessary to follow the ordinary League procedure for the administration of mandated territories. The measures taken by the British Government for the benefit of the Kurds were therefore referred to the Permanent Mandates Commission, as advisory body to the Council.

b) *Conclusion of the Anglo-Turkish Dispute.* — While the Council's decision brought the dispute between Great Britain and Turkey to an end from the legal point of view, political difficulties still subsisted, owing to the attitude taken up by the Angora Government. The Council had considered these difficulties at the meeting which it had given its final decision. In this connection the Resolution of December 25th, 1925, contained the following passage :

" The Council urges the two Parties which have laid the question before it to reach friendly agreements, in order to put an end to the regrettable state of tension existing between them owing to the dispute for which a solution has just been found. By doing so they will assure the strengthening of the foundations of peace which is the essential object of the League of Nations. "

As we have seen, the Turkish representative was not present at this meeting. The British delegate, however, took this opportunity of stating that his Government had no wish to take up a rigid or uncompromising attitude towards Turkey, and most earnestly desired to live on terms of peace and amity with the Turkish Government. The Council having given its

decision, the British Governemnt would gladly lend itself to conversations with the Turkish Government in order to see whether, while taking due account of the Council's decision, it might not be possible to render the relations between the two countries easier and safer.

Turkey's reception of the Council's decision was at first in keeping with her declarations, to the effect that she still considered the question open.

Nevertheless, the desire of the two Governments to re-establish good relations, and to act in the interests of a population which had suffered greatly from the uncertainties of a long dispute, led to a resumption of direct negotiations on the basis of the Council's decision. These negotiations resulted in the conclusion of a treaty which was signed at Angora on June 5th, 1926.

On the 7th of the same month, the Council being assembled at Geneva, Sir Austen Chamberlain, representing the British Empire, said he was able to inform the Council that his Government and the Turkish Government, acting on the Council's recommendation of December 16th, 1925, had succeeded in reconciling their views. The agreement concluded involved Turkey's final recognition of the frontier drawn by the Council, with a purely local modification having the effect of leaving the road between the Turkish villages of Alamun and Ashuta entirely in Turkish territory. This cession of territory, which had been agreed to by the Governments of Great Britain and Iraq, was submitted to the Council for approval.

Further, the Turkish and British Governments had agreed to have the frontier delimited on the spot by a Commission whose Chairman was to be appointed by the President of the Swiss Confederation. After informing the Council of the chief clauses of this treaty, the British Government pointed out that in the circumstances it was no longer necessary to

maintain in the territory in question the Commission of neutral officers which the British Government had previously asked the Council to appoint. The Council took note of the rectification of the frontier which Great Britain and Iraq conceded to Turkey, and expressed its satisfaction at the agreement reached between the two Parties.

This was the last occasion on which the Council had to deal with this problem, which was completely settled, by the fixing of the frontier between Turkey and Irak and the re-establishment of cordial relations between the two Governments.

GRECO-BULGARIAN FRONTIER INCIDENT

CHAPTER I

INTRODUCTION

In the afternoon of October 19th, 1925, shots were exchanged between Bulgarian and Greek sentries placed on either side of the frontier near Demir-Kapu, north-east of Salonika. A Greek sentry was killed. At once the frontier detachments took up arms and prolonged firing ensued. A Greek officer, Captain Vassiliadis, who had advanced under a flag of truce, was shot dead a few hundred yards from the firing line.

The Bulgarian Government immediately proposed to the Greek Government the appointment of a Mixed Commission to establish the question of responsibility. The Greek Government demanded apologies and reparation, and, on receipt of news, which subsequently proved untrue, that a Bulgarian battailon was attacking the Greek post at Demir-Kapu, ordered the third Greek Army Corps to advance into the valley of the Struma. On October 22nd, Greek troops entered Bulgarian territory in the direction of Petritch, and on the same day the Bulgarian Government telegraphed to the Secretary-General of the League of Nations asking that the Council should be immediately summoned in virtue of Articles 10 and 11 of the Covenant (1). It added that, being convinced

(1) *Article 10.* — The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

Article 11. — Any war or threat of war, whether immediately affecting any of

that the Council would do its duty, it had given orders to its troops not to resist the invaders. The telegram reached Geneva on Friday, October 23rd, 1925, about 7 in the morning. The Secretary-General, under the powers conferred upon him in the event of war, or threat of war, by Article 11 paragraph 1 of the Covenant, immediately summoned a special meeting of the Council, which in agreement with M. Briand, the Acting President, was fixed for Monday, October 26th, 1925, in Paris.

The President of the Council at once telegraphed to the two Governments concerned reminding them of the obligations they had undertaken as Members of the League of Nations, and especially of their solemn undertaking in virtue of Article 12 of the Covenant not to resort to war, and of the grave consequences which the League Covenant laid down for breaches of such undertakings. " I therefore ", added M. Briand, "exhort the two Governments to give immediate instructions that, pending consideration of a dispute by Council, not only no further military movements shall be undertaken but that troops shall at once retire behind their respective frontiers ". It was ascertained later that the arrival of this telegram prevented a collision between the Greek and Bulgarian forces in front of Petritch—an event which might have had the most serious consequences. Three days later the Council met in Paris, the Greek and Bulgarian Governments being represented by their Ministers in France, M. Marfoff and M. Carapanos.

---

the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary-General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

CHAPTER II

CESSATION OF HOSTILITIES

Two questions claimed the attention of the Council of the League, and the President at once drew a distinction between them. One, which was urgent, concerned the immediate cessation of hostilities and the withdrawal of the Bulgarian and Greek troops to their respective territories. The other, that of establishing responsibilities and, if necessary, fixing the amount of reparation due, required for its treatment a certain amount of time.

At the Council's first meeting on the afternoon of October 26th, M. Briand asked the representatives of the two parties what effect had been given to the telegraphic recommendation regarding the cessation of hostilities, and what the present situation was in that respect. The Bulgarian representative declared that Greek territory had not been invaded or occupied by the Bulgarians at any point or at any moment. The representative of Greece stated that he had been informed by his Government that it was willing to comply with the invitation of the President of the Council and was ready to evacuate Bulgarian soil as soon as the Bulgarians had quitted Greek territory. The Council, after hearing its Rapporteur, Sir Austen Chamberlain, (Great Britain), decided in accordance with his proposals to request the representatives of the two States to inform it within 24 hours that their Governments had given unconditional orders to their troops to witdraw behind their national frontiers, and within 60 hours that all troops had been withdrawn within the national frontiers, that all hostilities had ceased, and that the troops had been warned that any resumption of firing would be severely punished.

Futhermore, the Council requested the Governments of France, Great Britain and Italy to send available officers immediately to the region where the conflict had broken out to report direct to the Council on the manner in which its decision was being executed, the time-limits for such execution beginning to run at 8 p. m. on October 26th.

The next day, October 27th, the Council heard statements of the situation from the representatives of the two Governments.

On October 28th the Council received a telegram from the Bulgarian Government announcing that strict orders had been given to the military authorities to refrain from all action along the frontier and immediately to withdraw any Bulgarian forces which might be upon Greek territory. The Greek Government instructed its representative to state that it had taken note of the Council's resolution, and had repeated and confirmed its previous instructions for the cessation of hostilities and withdrawal of the troops. The first part of the decision taken on the evening of October 26 th by the Council was thus carried out, orders having been given to the troops of both parties to cease hostilities and evacuate all occupied territory.

As regards the execution of the Council's order for the evacuation of such territory, the Council at its meeeting on October 29th took note of two telegrams, one from the Greek Minister of Foreign Affairs, stating that his Government would neglect no steps to ensure the evacuation of Bulgarian territory by the hour laid down; the other from the Military Attachés of Great Britain, France and Italy at Belgrade, who had reached the scene of the conflict at midday on Wednesday the 28th, and who announced that both parties had formally undertaken to refrain from any further hostile act and to warn their troops that any resumption of firing would be most severely punished; calm, they said, was reigning along the

whole front, and the arrangements which had been made gave hope that no fresh incident need be feared.

On the following day, October 30th, the Council learned from a communication from the Military Attachés and a telegram from the Greek Government that the Greek troops had completed the evacuation of Bulgarian territory by midnight on October 28th, eight hours before the expiration of the time-limit fixed, and that the evacuation had been accomplished without incident. All immediate danger of hostilities was thus averted.

During the discussions which were held in order to settle this first aspect of the question, the Members of the Council, and especially its President, M. Briand, and Sir Austen Chamberlain, its Rapporteur, made important statements at public meetings. " Such incidents as that which has caused our present meeting ", said the British representative on October 26th, " have sometimes had very serious consequences in the past, when there was no machinery such as that offered by the League for their peaceful adjustement and for securing justice to both parties; but it would be an intolerable thing — I go so far as to say that it would be an affront to civilisation — if, with all the machinery of the League at their disposal and with the good offices of the Council immediately available — as this meeting shows — such incidents should now lead to warlike operations instead of being submitted at once for peaceful and amicable adjustment by the countries concerned to the Council, which would always have regard to their honour and to the safety and security of their nations. "

At the meeting of October 28th M. Briand, in reply to arguments based on the right of legitimate defence, spoke as follows : " Under the pretext of legitimate defence disputes may arise which, though limited in extent, are exceedingly unfortunate owing to the damage they entail. These disputes, once they have broken out, may assume such propor-

tions that the Government which starts them under a feeling of legitimate defence, will no longer be able to control them.

" The League of Nations, through its Council and through all the methods of conciliation which are at its disposal, offers the nations a means of avoiding such deplorable events. The nations have only to appeal to the Council. It has been shown that the criticisms which have been brought against the League of Nations, to the effect that its machinery is cumbersome and that it finds it difficult to take action in circumstances which require an urgent solution, are unjustified. It has been proved that a nation which appeals to the League when it feels that its existence is threatened, can be sure that the Council will be at its post, ready to undertake its work of conciliation. "

The representative of Great Britain associated himself on behalf of his Government with M. Briand's words. All the other Members of the Council likewise approved, and particularly emphasised the importance of the solemn undertaking given by all the States in Article 10 of the Covenant. The representatives of Brazil and Uruguay declared that the Council's action would have a considerable effect in all the countries, of Latin America.

Several of these countries, indeed, had sent telegrams to the Secretary-General as a proof of the interest which they took in the pacific settlement of the dispute; these countries included Cuba, Guatemala, Honduras, Nicaragua, Peru, Salvador and Venezuela. Similar messages had been received from other countries, such as Australia, Hungary, Luxemburg, Siam and Switzerland.

CHAPTER III

APPOINTMENT OF A COMMISSION TO INVESTIGATE AND SETTLE THE QUESTION

The Council had so far only fulfilled the first part of its task, which was to secure the evacuation of occupied territories and to prevent hostilities from developing. It still remained to find a complete solution of the difficulties which had called for its intervention. It had heard the explanations of the representatives of the two Governments. The Bulgarian representative had declared that Bulgarian troops had at no moment occupied Greek territory, his Government having at the outset proposed the appointment of a Mixed Commission of Enquiry. He had further reminded the Council that Bulgaria had complied with the provisions of the Treaty of Neuilly by reducing her armaments. He demanded a full investigation, the release of Bulgarian prisoners by the Greek Government, and reparation for demage done.

The Greek representative on the other hand had stated that the measures taken by his Government were in defence of national territory, that Greek troops had not advanced until Greek territory had been invaded, and that this advance was purely defensive. He pointed out that the Bulgarian Government had not proposed an investigation until their attack had failed. Finally, he attributed the origin of the incident to the local activicies of comitadjis, and to the fact that the Bulgarian Government had not been able to enforce the application of the military clauses of the Treaty of Neuilly. He concluded by calling upon the Council to extend the enquiry to the local causes of the incident.

From these statements it appeared that both the Bulgarian and Greek Governments desired that the Council should

order an enquiry into the origins and causes of the frontier incident with a view to establishing the responsibilities and, if necessary, fixing the compensation or reparation due. The Council, agreeing to undertake this task, proposed also to investigate the means of preventing such incidents in the future. In accordance with the conclusions of its Rapporteur, the British Representative, the Council decided on October 29th to appoint a Commission to carry out a full enquiry, to ascertain the facts enabling the responsibility to be fixed, and to obtain material for the determination of any indemnity or reparation which might be appropriate. This Commission was requested to report before the ordinary session of the Council in December, and was asked to make " any suggestions as to measures which in its opinion would eliminate or minimise the general causes of such incidents and prevent their recurrence ". The Commission was empowered to take definitive decisions on the reparation or compensation due to private persons. The Military Attachés on the spot were to continue to watch the situation and, and on the arrival of the Commission to place at its disposal any information which they had been able to collect.

The representatives of the two Governments gave their consent to this proposal of the Council, and declared on behalf of their Governments that they accepted in advance any decision which the Council might take for the closing of the incident. They formally undertook that the prisoners taken by either side should be immediately released and repatriated at the cost of the Government by whose forces they had been held. Similarly, all property, cattle etc... seized or requisitioned by either army would be immediately restored, or, if that was impossible, the injured parties would receive fair compensation to be fixed for each particular case by the Commission.

At the conclusion of the discussions the President of the Council thanked the representatives of Bulgaria and Greece for

the rapidity with which their Governments had complied with the invitation of the Council. " Throughout this affair ", said M. Briand, " which ends in so fortunate a manner, there is neither victor nor vanquished. There are two nations which, forming part of the same great family of peace, have shown their desire for conciliation by agreeing immediately to accord to reason and justice the last word in the dispute in which they were engaged... The League of Nations... is composed of nations great and small, all equal and all sure of finding within the League the same justice for every Member... In this case... the League of Nations has not failed to fulfil either the spirit in which it was founded or the purpose for which it was intended ".

Sir Austen Chamberlain, Rapporteur to the Council and representative of Great Britain, pointed out that one of the results of the Council's intervention was the marking of a considerable advance in League jurisprudence. He said : " Thanks to the readiness with which the two Powers concerned immediately submitted their case the Council, thanks to the promptitude with which you, Mr. President, and the Secretary-General acted before a dangerous situation had got out of control, the Council has met and, with the willing assent of both parties to the dispute, has brought to a close — a happy close — an incident which immediately threatened the peace of these nations... We have here an example of the conduct which may be expected of nations Members of the League between whom some unfortunate dispute arises which threatens the peace of the world; and we have an example of the manner in which the Council of the League will use the authority and the powers entrusted to it by the Covenant for conciliation, for restoring friendly relations between nations..., for removing, if possible, those causes of dispute in the future, and above all for preserving the peace of the world. Now that we are all bound together in the League and by the conditions of the Covenant, a threat of war anywhere is a menace which affects us all ".

The other Members of the Council associated themselves with the remarks of the President and the Rapporteur, more particularly the representatives of Japan and Spain, who welcomed in the Council's action one of the first effects of the new atmosphere which had been created in Europe by the recent conclusion of the Locarno Agreements.

CHAPTER IV

REPORT OF THE COMMISSION OF ENQUIRY

The Commission of Enquiry was set up with the least possible delay and consisted of the following :

Chairman : Sir Horace Rumbold, British Ambassador at Madrid;

Members : General Serrigny (French), General Ferrario (Italy), M. Droogleever Fortuyn, Member of the Netherlands Parliament, His Excellency M. de Adlercreutz, Swedish Minister at the Hague.

After assembling at Geneva on November 6th, 1925, the Commission left on the following day for Belgrade. Here it met the Military Attachés of Great Britain, France and Italy, who had made the first investigations on the spot. It took note of the information they had collected and then visited the scene of the incident. Subsequently it pursued its enquiries at Athens and Sofia. It drew up its report without delay and communicated it to both the Governments concerned.

The Commission's report may be summarised as follows :

A. Enquiry

1. *The Demir-Kapu Incident.*

With regard to the original incident, the Commission stated that it was impossible to determine which of the two sentries fired the first shot, and whether the Grek sentry was or was not killed in Bulgarian territory. The same uncertainty attended the death of Captain Vassiliadis, who, hastening up from his headquarters in order to stop the fight, was killed a few hundred yards from the line when advancing in the company of a soldier carrying a white flag. During the day the two opposing detachments had been reinforced, partly by armed civilians. The firing had continued during part of October 20th and intermittently during the 21st, but the losses were slight. The local commands on both sides had made efforts to stop the affray, while the Bulgarian Government tried to obtain from the Greek Government, through diplomatic channels, the appointment of a mixed commission of enquiry.

The affair in itself was only one incident among many. The state of mind of the populations in the frontier zones, made up partly of refugees still affected by recent sufferings, reacted upon the soldiers living in their midst. The too close contact of the opposing posts, the defective organisation of the frontier guards, and certain instructions resembling too closely those which would be issued to outposts in the field, explained how such incidents could occur.

2. *Military action in Bulgarian territory.*

This was explained by the impression produced in Athens by reports exaggerated in transmission. It was owing to

the receipt of news in Athens on the morning of the 20th that the Bulgarians had attacked with a battalion, that the Minister of War had ordered the Third Army Corps to march into the valley of the Struma. On October 22nd, the Greek troops had crossed the frontier and were advancing on Petritch. An attack ou Petritch had been arranged for the 24th at 8.30 in the morning. Orders from Athens suspending operations arrived two and a half hours before the moment fixed for the attack.

From the Bulgarian side reinforcements had been sent in the direction of Petritch with orders to " make only slight resistance, protect the... population, prevent the spread of panic... and not expose the troops to unnecessary losses, in view of the fact that the incident has been laid before the Council of the League of Nations, which is expected to stop the invasion. "

The Commission regarded the precautionary measures immediately taken by the Commander of the Third Greek Army Corps as normal, but, even if the danger had been real, the frontier-line gave them an entirely adequate covering position. There could be no question of premeditation on either side. The question would not have assumed such disquieting proportions, had not the Demir-Kapu outpost been reinforced by Bulgarian civilians armed in violation of the Treaty of Neuilly. Feeling in Athens was naturally roused at the news that a Greek sentry and an officer who had gone out to parley had been killed, and by other reports which depicted the situation as much more serious than it really was. The Commission, however, was of opinion that the operations carried out by the Greek troops were not technically justified.

Responsibilities and indemnities.

The Commission considered that the Bulgarian Government had acted in conformity with the Covenant of the League

of Nations, and that the fact that Bulgarian soldiers at Demir-Kapu might have at one moment ventured a few yards into Greek territory could not be held to be a violation of the territorial integrity of Greece. With regard to the Greek Government, the Commission, while taking account of the impression created by the news received, considered that, by occupying a part of Bulgarian territory with its military forces, Greece had violated the Covenant.

The Commission rejected the claims to indemnities submitted by the Greek Government, except as regards the claim on account of Captain Vassiliadis. The reparation to be made for damage caused in Bulgarian territory was divided into two parts. The first included compensation for the loss sustained by the population in movable property, furniture, agricultural implements, cattle, cereals, etc. The Commission, exercising the powers conferred upon it by the Council's resolution, fixed the sum to be paid under this heading at twenty million levas.

The second group of indemnities related to loss of life, the wounded (except in the case of civilians armed contrary to the Treaty of Peace), and certain material and moral damage caused to the population by the invasion (ill-treatment, loss of working days, etc.). For this class of damage the Commission recommended the Council to fix the sum to be paid to the Bulgarian Government at ten million levas. In fixing this sum, account was taken of the death of the Greek Captain Vassiliadis, who was killed while going forward bearing a white flag.

C. Recommendations.

This last part contained, firstly a summarised statement of the special problems which arise in this frontier district (material and moral position of Bulgarian and Greek refugees, action of the Macedonian Revolutionary Committee, part

played by the comitadjis). Then followed recommendations, military and political.

1. *Military recommendations.*

a) *Measures to prevent frontier incidents.* — The frontier guard system on both sides required to be reorganised and the opposing posts placed at a distance of at least 1 km. from one another. On each side of the frontier a neutral officer, placed at the disposal of each of the two Governments for a period of two years and attached to the headquarters of the frontier Guards, would see that the reforms were carried out on parallel lines in both countries.

b) *Measures to limit the effects of incidents.* — If the presence of neutral officers of the same nationality should not suffice to ensure the settlement of any incident on the spot by the local military authorities, a Conciliation Commission should intervene; it should consist of a Greek officer and a Bulgarian officer, each assisted by one of the two neutral officers, with another member as Chairman to be appointed in advance. In order to allow the Commission to meet without delay, the Chairman should be selected from among persons belonging to organisations working in the Balkans and attached to or having relations with the League of Nations.

c) *Measures to enable the League of Nations to take rapid action in cases of conflict.* — The report pointed out that the rapidity of the League's intervention in the Greco-Bulgarian incident had greatly helped to reduce the serious nature of the occurrence.

The Greek attack on Petritch, which had been fixed for 8.30 in the morning of October 24th, and which would have undoubtedly led to a serious engagement, was stopped by an order from Athens which arrived at 6 a. m. This order

had been despatched immediately on receipt of the urgent telegram sent by the Acting President of the Council to the Bulgarian and Greek Governments on the 23rd.

In order to hasten intervention by the League of Nations in such cases, the Commission recommended that special facilities for communication and transit should be granted to Governments and to the Secretariat of the League in case of a threat of war, and in particular that the use of wireless telegraphy and priority messages might be considered.

2. *Political Recommendations.*

Having been requested by the Council to make any suggestions as to suitable means of eliminating or minimising the general causes of such incidents, the Commission considered that it would be necessary, in the interests of friendly relations between Bulgaria and Greece, to remove two sources of discontent.

In the first place it recommended that the liquidation of property, undertaken in accordance with the Convention for the voluntary exchange of Greeks and Bulgarians, should be expedited, and an end put to all vexatious measures. Next it referred to the difficulties created by the presence in Bulgaria of a number of persons of Bulgarian race but Greek nationality, who had left Greece some considerable time before, leaving their property behind them. According to Articles 3 and 4 of the Treaty between the Principal Allied Powers an Greece concerning the treatment of minorities, such persons, not having renounced Greek nationality, were entitled to return to Greece, and in any case to retain their real property in that country. The Greek Government, however, under the pressure of circumstances, had settled Greek refugees from Turkey on their lands. The Commission, recognising that it was a practical impossibility to follow the provisions of the

Treaty to the letter, recommended that the Greek Government should offer equitable compensation to the persons thus injured, in return for their renunciation of Greek nationality.

The Commission concluded in the following terms :

> "Taken as a whole, the measures proposed in the present report may be expected to contribute in a large degree towards reducing the tension between the populations of the two countries, particularly in the neighbourhood of the frontier.
>
> "In the first place, the Macedonian Revolutionary Committee's influence would decrease as it found fewer and fewer grievances and sufferings among the refugees in Bulgaria to exploit. Secondly, the Greek population settled near the frontier would have less to fear from comitadjis and from the rancour of the Bulgarian population they have displaced. As the causes of discontent and grievance disappeared, relations between the two countries — and even in the Balkans as a whole — would become less strained.
>
> "In conclusion, the Commission considers that it would be well for the Council to request the two Governments to keep it informed at sufficiently frequent intervals of the progress made in carrying out the measures recommended by the Council.
>
> "The Commission is convinced that the two Governments would always be able to apply to the Council for any assistance they might require in carrying out the recommendations contained in the present report."

CHAPTER V

DECISION OF THE COUNCIL AND END OF THE DISPUTE

At its meeting of December 7th, the Council heard the observations of the two Governments on the report of its Commission of Enquiry. Bulgaria was represented by M. Kalfoff, Minister of Foreign Affairs, and Greece by M. Rentis, former Minister of Foreign Affairs. The Council's first act was to set up a special Committee, consisting of its Rapporteur, Sir Austen Chamberlain, and the representatives of Belgium and Japan. This Committee was instructed to discuss the Commission's conclusions with the representatives of the two Governments concerned, so as to enable the Council to take a final decision with the consent of the two Governments. After several days of study and discussion, the Committee was able to submit a report to the Council at its meeting on December 14th. We may quote the following passages from this report :

> "The fact that the Greek Government acted without premeditation, under the impression produced by information received from the frontier post and exaggerated in transmission to Athens, has not escaped our attention. But, even if this information had been accurate, the Greek Government would not have been justified in directing the military operations which it caused to be undertaken... We believe that all the Members of the Council will share our view in favour of the broad principle that where territory is violated without sufficient cause, reparation is due, even if at the time of the occurrence it was believed by the party committing the act of violation that circumstances justified the action. We believe this to be a prin-

ciple which all Members of the League of Nations will wish to uphold, and which both Bulgaria and Greece would wish to support, even if they had not already accepted in advance... whatever decision the Council might reach on this point."

The Council, including the representatives of Greece and Bulgaria, unanimously adopted the report. It approved the work of the Commission, and the conclusions at which it had arrived. It also adopted, with a few amendments, the Commission's recommendations on the military and political questions. The figures proposed as indemnities had been re-examined, and were maintained; the period for payment was fixed at two months, and the Council asked to be informed as soon as payement should be made. The Council requested the Swedish Government to supply two officers to help reorganise the frontier guard services; on the recommendation of these officers the Council itself would then proced to appoint the Chairman of the Conciliation Commission, the establishment of which had been proposed by the Commission of Enquiry.

Lastly, the Council took note of the wish expressed by the two Governments to expedite the procedure of liquidating landed property, and requested them to keep it informed of the progress achieved in this work. It asked them to report to it at its next session on the effect given to its recommendation regarding persons of Bulgarian race and Greek nationality living in Bulgaria. The Greek Government (which had already expressed willingness to extend the time-limit for making declarations of voluntary emigration) undertook to consider means of obtaining equitable compensation for these persons. On the other hand, the Bulgarian Government undertook to use all its influence to persuade these persons to accept compensation in return for surrender of their rights.

It will be remembered that, when the incident first occured, the attention of the members of the Council had been

drawn to the importance of rapid communications, in order that the organs of the League might in an emergency be able to operate as rapidly and effectively as possible; the experience of the past few days had shown that the measures taken both by the members of the Council and by the Secretary-General had succeeded in allaying the conflict and making its solution possible.

Accordingly, the Council referred to the League's Advisory Committee for Communications and Transit the suggestion made on this point by the Commission of Enquiry. This suggestion referred to the granting of special facilities for communications and transit to Governments and to the Secretariat of the League in case of a threat of war (1).

In the final part of its resolution the Council recognised that from the moment of its intervention both Governments had conformed to its decisions and executed them loyally.

Payment of the indemnities provided for in the Council's resolution was made in accordance with an arrangement between the two Governments; half was paid on February 15th and half on March 1st, 1926. At its session in March 1926, the Council took note of these payments and of the appointment of the two Swedish officers placed at the disposal of the Greek and Bulgarian Governments for the purpose of reorganising the frontier services. It also took note of the reports submitted by the two Governments on the pro-

---

(1) The question was raised in a more general form in the Preparatory Commission for the Disarmament Conference. The Communications and Transit Committee drafted a report on this subject, which was submitted to the Council at its session in December 1926, and then submitted for the examination of all Governments Members o the League.

In September 1927, the Assembly voted a solemn resolution reaffirming the obligation upon States Members of the League to facilitate by every means in their power the rapid meeting of the Council in an emergency, and calling upon States to take in advance all measures calculated to attain this result. The Council requested the Communications and Transit Committee to continue its examination of this matter.

gress achieved in executing the recommendation on the question of Greek nationals of Bulgarian race living at the time in Bulgaria (1). The Council was pleased to note that not only had all traces of the conflict disappeared, and the reparation ordered duly been made, but also that the measures taken to prevent a recurrence of such incidents had already begun to be executed, and had given proofs of their value.

---

(1) The two Governments later communicated to the Council reports on this question and on the liquidation of property. The question of compensating emigrants raises great difficulties of a technical and financial rather than political nature. The Council therefore requested the Financial Committee of the League to give its opinion upon all the technical aspects of the problem regarding which the Chairman of the Mixed Commission on Greco-Bulgarian Emigration might desire to consult it. The Financial Committee will keep the Council informed of the results.

CORRESPONDENCE WITH THE ABYSSINIAN GOVERNMENT

In July 1926 the Secretary-General received a note from the Abyssinian Government, dated June 19th, enclosing copies of the notes exchanged by the British and Italian Governments and communicated by them to Abyssinia. The latter requested that the documents should be communicated to the members of the League of Nations for consideration.

The Abyssinian Government stated that it had received from the British and Italian Governments identical notes informing it that those Governments had arrived at an agreement (December 1925) to support each other with a view to obtaining a concession for Great Britain to undertake the conservancy of the waters of Lake Tsana and for Italy to construct a railway through Abyssinia. The Abyssinian Government added that it could not help thinking that, in agreeing to support each other in this matter and in giving a joint notification of that agreement the two Governments were endeavouring to exert pressure on Abyssinia, in order to induce it to comply prematurely with their demands.

The Abyssinian Government asked that the correspondence forming the agreement between the British and Italian Governments should be brought to the notice of all the members of the League, in order that they might decide whether it was compatible with the independence of Abyssinia, inasmuch as it stipulated that part of the Abyssinian Empire was to be alloted to the sphere of economic influence of a specified Power.

The Abyssinian Government's note, together with the annexes, was communicated to the members of the League. The British and Italian Governments replied by separate notes, which were also communicated to all the members of the League. Both Governments expressed their regret that, in spite of the assurances conveyed to the Abyssinian Government by their Ministers at Addis-Ababa, the purport of their notes should have been misconstrued and intentions attributed to the British and Italian Governments which they had never entertained.

In its letter, the British Government declared further that there was nothing in the Anglo-Italian notes of 1925 to suggest coercion or the exercise of pressure in any form. It believed the agreement to be in the interests of all three parties, and added that the Abyssinian Government had of course a perfect right to judge what was in the interests of Abyssinia. As to the suggestion that the British and Italian Governments were trying to force the Abyssinian Government to yield to their requests precipitately, the British Government pointed out that negotiations had taken place between Great Britain and the Emperor Menelik twenty-four years before, that Great Britain had on several occasions made specific proposals in regard to the work at Lake Tsana, and that in those circumstances it could not fairly be charged with proceeding with undue precipitancy. The British Government further stated that the Anglo-Italian notes did not reserve any part of Abyssinia to Italian economic influence; that the recognition by the British Government, under certain conditions, of an exclusive Italian sphere of economic influence in the west of Abyssinia and in the whole territory to be crossed by the railway could not affect the rights of third parties or bind the Government of Abyssinia : and that such recognition imposed no obligation on anyone except the British Government, which in return for the Italian undertakings in regard to Lake Tsana, engaged not to compete or support competition with Italian enterprise in the region specified.

The Italian Government observed that the Abyssinian protest was especially surprising as the Italian representative in Addis-Ababa had already given the Abyssinian Government assurances as the result of which that Government had addressed to the Italian minister in Addis-Ababa a letter thanking the Italian Prime Minister and stating that it had never entertained any doubt as to the friendly intentions of Italy and her intention of respecting the independence of Abyssinia.

The Italian Government observed that neither in the letter nor in the spirit of the notes exchanged between the British and Italian Governments could anything be found which would justifiy the apprehension on the part of the Abyssinian Government that those Governments might be intending to exert precipitate and forcible pressure on Abyssinia; the agreement contained in the notes was binding solely on the Italian and British Governments. It could not detract from the right of Abyssinia to take such decisions as it might think fit, nor could it limit any action on the part of third parties.

In a fresh note, dated September 4th, to the Secretary-General, the Abyssinian Government summed up the situation as it appeared to it in view of the declarations in the replies of the British and Italian Governments to its note of June (1926). It added that, as these Governments themselves had stated, it retained full and complete freedom to decide as to any requests which might be made to it and had a perfect right to judge what was in the interests of Abyssinia.

In view of the fact that the notes exchanged between Great Britain and Italy (1925) had been registered with the Secretariat of the League of Nations, in conformity with Article 18 of the Covenant, the Abyssinian Government, in its note of September 4th, requested that its letter might be registered together with the notes in question, in order that the public might be acquainted with the Abyssinian Go-

vernment's views on these notes, and with the reassuring replies which had been made to its protests.

The Secretary-General observed in his reply that the letter of the Abyssinian Government, being a unilateral declaration, could not be regarded as a treaty or international engagement within the meaning of Article 18 of the Covenant, and that there was no precedent which justified him in having it registered and published in the Treaty Series. He added, however, that a suitable reference would be inserted in the Treaty Series at the end of the text of the notes exchanged between the British and Italian Governments, and that the Abyssinian Government's letter dated September 4th would be published in the Official Journal.

The matter was thus concluded, without having been placed on the agenda of the Council.

REQUESTS OF THE ROUMANIAN AND HUNGARIAN GOVERNMENTS

under Article XI of the Covenant and Article 239 of the Treaty of Trianon.

In February 1927, the Roumanian Government, having decided that the Roumanian member of the Mixed Roumanian and Hungarian Arbitral Tribunal should no longer take part in the discussion of agrarian questions raised by Hungarian nationals, addressed to the Council, under Article 11, § 2 of the Covenant, a request for permission to explain its reasons for this measure.

The Hungarian Government asked the Council, under Article 239 of the Treaty of Trianon, to appoint two deputy-members in order that the Tribunal might be able to continue its work.

This fresh aspect of a question which had already been dealt with by the Conference of Ambassadors, the Council of the League and the Mixed Roumanian and Hungarian Arbitral Tribunal was considered by the Council in March, 1927.

Detailed statements were made by the Hungarian and Roumanian representatives, and the Council asked the British representative, in consideration of the importance and complicated nature of the question, to make a thorough study of it, assisted by the Chilean and Japanese representatives.

This Committee interviewed the representatives of the parties in May, June and September, in London and at Geneva.

On September 17th, the British Representative submitted to the Council a report containing a summary of the negotiations and a account of the work of his Committee, its conclusions and recommendations. He defined as follows the roles of his Committee and of the Council :

> Looking at the problem as a whole, the Committee desired to find a solution which would allay discontent. It could not forget that the matter had originally been submitted to the Council not under Article 239 of the Treaty of Trianon, but under Article 11 of the Covenant, and that its intervention had been asked for, on that occasion, first of all by Roumania and then by Hungary. Under these circumstances it could not evade the duty imposed on it by the Covenant and confine itself simply to the election of the two deputy members for the Mixed Arbitral Tribunal, which the Hungarian representative had as a result of the proceedings demanded.
>
> If it did so it would have failed to discharge its political duties as a mediator and conciliator in a dispute which extended far beyond the actual terms in which it had been originally submitted by the two parties.
>
> Moreover, the Committee could not take a purely and strictly legal view of the Council's duties, especially as it realised that the election of the two deputy members would not have finally ended a difference which had been successively submitted to three international authorities.
>
> On the contrary, it attempted on more than one occasion to bring about a general settlement which would have terminated the controversy and lead to better feelings.

With a view to conciliation, the Committee submitted to the parties certain formulae which they were unable to accept.

> During September, the Hungarian Representative renewed the offer made in March that the question of jurisdiction of the Mixed Arbitral Tribunal should be referred to the Permanent Court of International Justice, but declared that it was unable to make new concessions.

This offer was not accepted by the Roumanian representative who in his turn submitted certain formulae based on the proposals made by the Committee of Three with a view to compromise. These formulae were rejected by the Hungarian representative.

The Committee was then compelled to abandon its hope of obtaining a solution by direct conciliatory methods. It submitted to eminent legal authorities the question whether the Mixed Arbitral Tribunal was entitled to entertain claims arising out of the application of the Roumanian agrarian law to Hungarian optants and nationals, and, if so, to what extent and in what circumstances.

This consultation led to the following conclusion :

If it could be established in any particular case that the property of a Hungarian national suffered retention or liquidation or any other measure of disposal under the terms of articles 232 and 250 as a result of the application to the said property of the Roumanian agrarian law and if a claim were submitted with a view to obtaining restitution, it would be within the jurisdiction of the Mixed Arbitral Tribunal to give relief.

The Mixed Arbitral Tribunal is not competent to give decisions on claims arising out of the application of an agrarian law as such unless the case mentioned in the preceding paragraph arises. In this latter case the jurisdiction of the Mixed Arbitral Tribunal would not be ousted on the ground that the application of an agrarian law was involved.

Since these considerations showed that the claim of a Hungarian national for restitution of property in accordance with Article 250 might come within the jurisdiction of the Mixed Arbitral Tribunal, even if the claim arose of out the application of the Roumanian Agrarian Law, the Committee enumerated three principles which it considered the accep-

tance of the Treaty of Trianon had made obligatory for Roumania and Hungary.

(1) The provisions of the peace settlement effected after the war of 1914-1918 do not exclude the application to Hungarian nationals (including those who have opted for Hungarian nationality) of a general scheme of agrarian reform.

(2) There must be no inequality between Roumanians and Hungarians either in the terms of the agrarian law or in the way in which it is enforced.

(3) The words " retention and liquidation " mentioned in Article 250, which relates only to the territories ceded by Hungary, apply solely to the measures taken against the property of a Hungarian in the said territories and in so far as such owner is a Hungarian national.

Accordingly the British representative proposed that the Council should request both Parties to conform to these principles, and should request Roumania to reinstate her judge on the Mixed Arbitral Tribunal. The report contemplated certain consequences, in the event of a refusal by one or both of the Parties to accept these proposals.

* * *

At the four public meetings which the Council devoted to this affair, the Hungarian and Roumanian representatives stated their point of view both as regards the substance of the question and the proposals of the Committee.

Count Apponyi declared that he could not accept the proposals and that he did not recognise the legal value of the principles set forth in the report. In his opinion, the Council could neither impose them upon the Parties, nor attach sanctions to the non-acceptance of the proposals. He renewed his proposal that the Permanent Court of International Justice should be asked for an advisory opinion, as to whether

the Mixed Arbitral Tribunal had exceeded its powers. He suggested that the opinion of the Court should also be sought, as to whether the three principles enumerated had, in whole or in part, been rendered obligatory for Roumania and Hungary by the acceptance of the Treaty of Trianon.

The Roumanian representative said that the acceptance of conclusions of the report would make possible arbitration between the parties; that he approved the principles set forth in the report and accepted them, provided that the Hungarian representative also did so.

The general feeling of the members of the Council was that the report constituted a basis for a friendly settlement, and it was decided to adopt it up to and including the recommendation that the Parties should conform to the principles set forth, but not including the recommendation to the Roumanian Government to reinstate its judge and the consequences attached to a refusal by the Parties to accept the report.

The Council felt that it was preferable not to ask the Hungarian and Roumanian representatives to give a final answer before referring the recommendations for careful and detailed examination by their Governments. It accordingly invited the representatives of the parties to bring these recommendations and the debates of the Council to the knowledge of their Governments so that the latter would be able to communicate their opinion to the Council before its December session. The Council would then be in a position to examine, if necessary, what measures should be taken.

The German and Netherlands representatives said that, if the parties did not accept the friendly settlement proposed, it would perhaps be advisable and useful to consult the Permanent Court of International Justice. The Italian, Colombian and Finnish representatives underlined the legal aspect of the question and the fact that the Council's decision was in the nature of a friendly intervention.

At the request of his colleagues the British representative agreed to remain rapporteur for this question, should it again come before the Council (1).

---

(1) In December, the Council adjourned this question, on account of the illness of the Roumanian Foreign Minister and also with a view to enabling the Roumanian Government to consider a proposal for direct negotiations between the Parties, submitted by the Hungarian Government, without prejudice to the legal position of the Parties and the decisions of the Council and the Committee of three

MEMEL

On May 24th the German Government, in virtue of Article 17 of the Memel Convention, drew the attention of the Council to a petition signed by leading inhabitants of Memel, alleging infringements by Lithuania of the autonomy of the Memel territory (1). The German Government requested that this matter be included in the agenda of the Council.

The Lithuanian Government asked that the question be adjourned. Before the matter came before the Council, negotiations took place between the representatives of the Governments concerned, M. Valdemaras and Dr. Stresemann. The results were communicated to the Council on June 15th.

The Lithuanian Prime Minister, Professor Valdemaras, recalled that, in conformity with the recommendations of a Committee of Jurists, the Council in September 1926 had, as the result of the suggestions of the Lithuanian Government, defined the procedure to be followed in bringing to its notice alleged infractions of the Statute of the Territory.

This decision, he said, imposed on the Lithuanian Government the strict duty not to fail in the fulfilment of any of its obligations. The Lithuanian Government desired to declare that it was in no way its intention to leave the Territory of Memel without popular representation. It was fully conscious of its duty and of its responsibilities. The Government would, in consequence, take the appropriate measures for holding elections to the Diet at the latest by the month of September 1927.

Further he was glad to be able to state that the main difficulty which had delayed he holding of elections had been happily overcome. There had been disputes, more espe-

(1) Article 17 reads : « The High Contracting Parties declare that any Member of the Council of the League of Nations shall be entitled to draw the attention of the Council to any infraction of the present Convention. »

cially as to who was included in the electorate of the Memel Territory. This question had now been settled. The electorate, as far as the forthcoming elections were concerned, would be composed of Lithuanian nationals, who, in conformity with the provisions of Article 7 and the following articles of the Civil Code (BGB), had established themselves in the Territory of Memel. It was obvious that the electorate might be modified for future elections by a law for which provision had been made in Article 8 of the Memel Statute.

So far as the autonomy of the Memel Territory as defined in its charter was concerned, the Lithuanian Government, was, he said, firmly resolved to do all in its power to make it operative and allow it to develop on democratic lines as regards the electorate, the position of the Chamber and the formation of the Directory. The Lithuanian Government hoped to carry out this work in close co-operation with the Chamber of Representatives and with the Directory, which enjoyed the confidence of the Chamber and was responsible to it.

The German representative said that he did not wish to reply in detail to M. Valdemaras' remarks on the Council resolution of September. In consideration of the statement M. Valdemaras had just made he would not insist on further discussion of the question at the June session. He hoped that the measures which the Lithuanian Government had announced would bring about as soon as possible a situation in conformity with the Memel Statute.

Sir Austen Chamberlain, on behalf of the Council, noted with satisfaction the declaration of the Lithuanian representative, which, he said, had spared the Council the necessity of going into this question. He expressed the hope that the situation in Memel might soon become normal and that the Council would never again have to deal with the question.

The question was withdrawn from the agenda.

THE SALAMIS

On June 24th, the Greek Government submitted to the Council a request for an official interpretation of Articles 190 and 192 of the Treaty of Versailles, by any means at its disposal, such as a request to the Permanent Court of International Justice for an advisory opinion. These articles deal with the prohibition of construction and export by Germany of warships and naval material.

The case in point concerned a contract concluded before the war by the Greek Government with the Vulkan Works for the building of a cruiser bearing the name of "Salamis", and the Greek Government's request referred to a matter pending before the Greco-German Mixed Arbitral Tribunal, the Greek Government having applied to this Tribunal in order to obtain a decision cancelling the contracts it had signed in August 1914 with the Vulkan Works of Stettin.

In accordance with the request of the Greek Government, the question was included in the agenda of the forty-sixth session of the Council.

The German Government subsequently submitted a memorandum, in which it stated that it was unable to find any reason why the Council should take up this case.

The Council heard the representatives of both parties at its meeting of September 15th. The Greek representative, M. Politis, said that there was a difference of opinion between his Government and the German Government on the meaning of Articles 190 and 192 of the Treaty of Versailles and regarding the competent authority for the interpretation of the Treaty on this point. His Government considered that this difference of opinion constituted a preliminary question con-

nected with the private case laid before the Mixed Arbitral Tribunal, and that this preliminary question should be settled by the League.

M. Politis gave a historical summary of the case and its various phases—negotiations with the Vulcan Works; proceedings before the Mixed Arbitral Tribunal and the application to the Conference of Ambassadors—concluding that the Salamis affair was essentially a public and not a private question, and that the Council, which had inherited the powers of investigation and control formerly exercised by the Conference of Ambassadors, should seek the opinion of the Permanent Court on the meaning of Articles 190 and 192 of the Treaty of Versailles.

The German representative, Dr. von Schubert, drew attention to the conclusions of the German memorandum, stating that in his Government's opinion, there was no reason why the Council should be considered competent in this matter. The case was a question of private law between the Greek Government and a German limited company with regard to the execution of a private contract, and one which the Mixed Arbitral Tribunal alone had the right to decide. The rapporteur M. Urrutia (Colombia) observed that the question was difficult and complicated and demanded careful study. On his proposal the Council appointed the representatives of Italy and Japan, M. Scialoja and M. Adatci to assist him in preparing his report.

***

On September 28th, the rapporteur, M. Urrutia, proposed, on behalf of the Committee of Three that the Permanent Court of International Justice should be requested to give an advisory opinion on the question whether the Council had competence to give effect to the Greek Government's request

for an official interpretation of Articles 190 and 192 of the Treaty of Versailles.

Nevertheless, after a protracted exchange of views on the question of its competence in the matter between the rapporteur and the German, Greek, Netherlands, Finnish, British, Italian, French and Japanese representatives, the Council decided to adjourn the question to December on account of its complexity and the important legal points involved.

In the interval between the sessions the legal advisers of the Members of the Council will study the legal aspects of the matter, in particular, the question of competence.

THE SITUATION IN CHINA

(a) *Statement on British Policy in China.* — On February 8th, the British Secretary of State for Foreign Affairs communicated for the information of members of the League a statement on the British policy in China.

The statement recalled that, since 1922, the British policy in China had been based on the letter and spirit of the Washington Agreements — namely, that the future policy of the Treaty Powers should be guided by certain general principles designed to safeguard the integrity and independence of China and to promote her political and economic development and the rehabilitation of her finances.

The British Government still adhered to this policy, as regards general principles. Its complete success, however, depended on cooperation between the Powers concerned and a single central Government in China, and subsequent events had modified the hypothesis on which it was based. The Foreign Secretary then set forth the circumstances which had led to his Government's decision, as a precautionary measure, to send to China such troops as might be necessary to protect the British community in Shanghai, adding that the composition of this force was in itself a guarantee that it could only be used for the defensive purposes for which it was exclusively intended.

This was only one aspect of the British Government's policy in China. It had further declared its readiness to negotiate on Treaty revision as soon as the Chinese themselves had constituted a Government with authority to negotiate. It had meanwhile formulated unilateral measures 'mplying an inmediate and radical modification of the Treaty

position, which it might under certain conditions be possible to take.

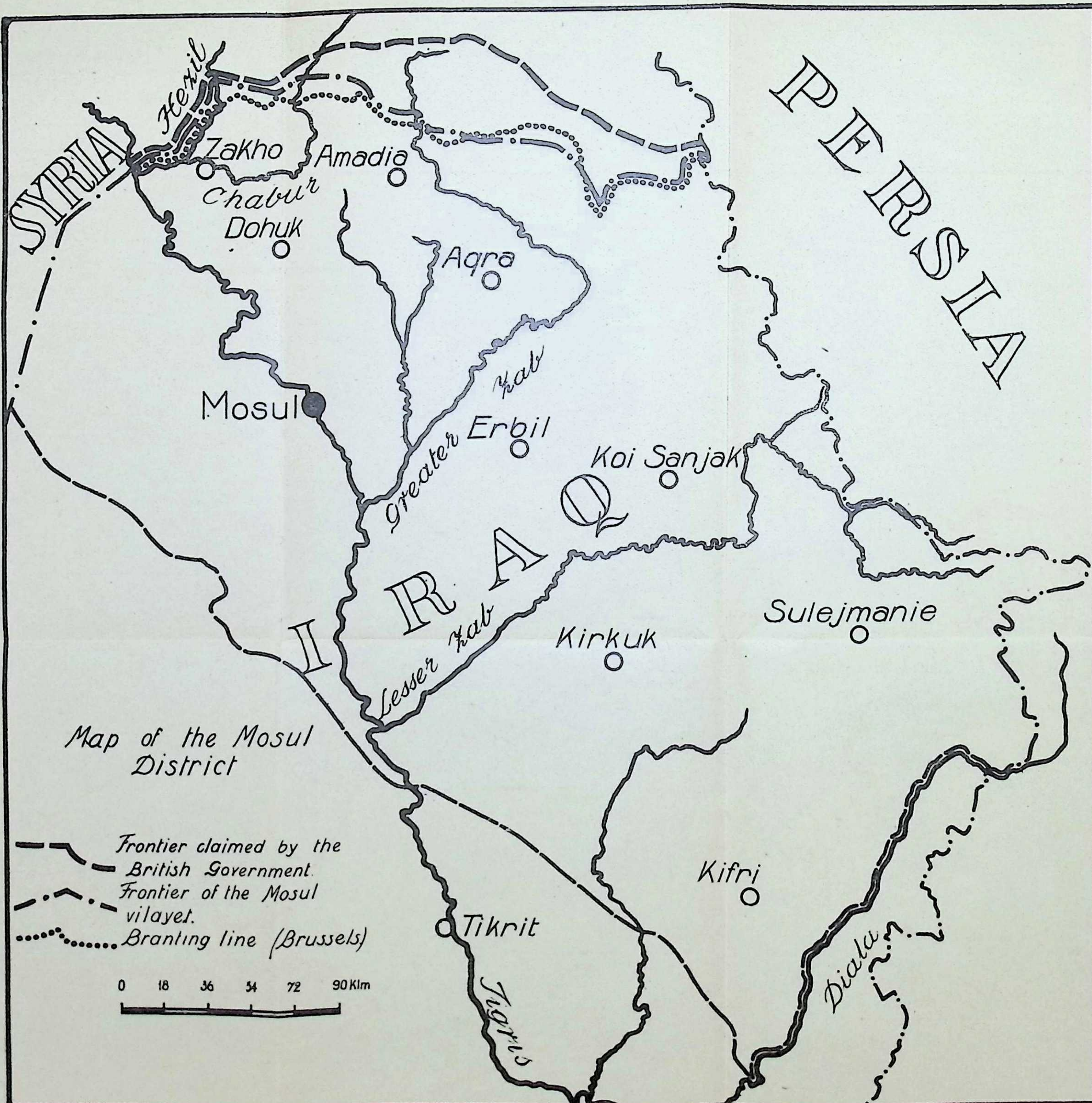
The statement emphasised that the policy of the British Government, as defined above, was a development, not a departure from that inaugurated at Washington, and concluded as follows :

> In any case His Majesty's Government have felt it right to make this communication to the League of Nations so that its members may have before them a full statement of His Majesty's Government's policy in China and may understand how completely it is in accord with both the letter and the spirit of the Covenant. His Majesty's Government deeply regret that there does not appear to be any way in which the assistance of the League in the settlement of the difficulties in China can be sought at present But, if any opportunity should arise of invoking the good offices of the League, His Majesty's Government will gladly avail themselves of it.

(b) *Communication from the Chinese Representative.* — The Chinese representative on the Council, acting on the instructions of the Chinese Foreign Office communicated to the Secretary-General, for his information, a copy of the note of the Chinese Minister for Foreign Affairs to the British Minister at Peking, dated January 31st, concerning the despatch of British troops to Chinese territory.

In reply to the Secretary-General's enquiry, whether the Chinese Government wished this note to be circulated to the Members of the League, the Chinese representative stated that the communication was for the information of the Secretary-General, to be kept in the official records of the Secretariat. He added, that the Chinese Foreign Office reserved its right to reply to the British Government's statement regarding its policy in China.

PRINTED BY BERGER-LEVRAULT NANCY-PARIS-STRASBURG — 1928.



PERSIA
SYRIA
Hezil
Zakho
Amadia
Chabur
Dohuk
Aqra
Mosul
Zab
Greater
Erbil
Koi Sanjak
I R A Q
Sulejmanie
Kirkuk
Lesser Zab
Map of the Mosul District
Frontier claimed by the British Government.
Frontier of the Mosul vilayet.
Branting line (Brussels)
0 18 36 54 72 90 Klm
Kifri
Tikrit
Tigris
Diala

LEAGUE OF NATIONS PAMPHLETS

(Prepared by the Information Section)

The League of Nations : A Survey (*Revised edition*)		1/-
The League of Nations : Constitution and Organisation (*Revised edition including the Covenant*)	6 d.	15 cents.
The Permanent Court of International Justice (*Revised edition including the Statute of the Court*)	6 d.	15 cents.
The Health Organisation of the League of Nations (*Revised edition*)	6 d.	15 cents.
Social and Humanitarian Work of the League of Nations (*Revised edition*)	6 d.	15 cents.
Mandates (*Revised edition*)	6 d.	15 cents.
Intellectual Co-operation (*Revised edition*)	6 d.	15 cents.
Political Activities (vol I)	6 d.	15 cents.
Political Activities (vol. II)	6 d.	15 cents.
Financial Administration and Allocation of Expenses (*Revised edition*)	6 d.	15 cents.
The Financial Reconstruction of Austria	3 d.	5 cents.
The League of Nations from year to year		1/-

IN PREPARATION.

Revised editions :

The Economic and Financial Organisation.
Communications and Transit.
The Reduction of Armaments.
Minorities.
The Saar Basin and the Free City of Danzig.

PRINTED BY BERGER-LEVRAULT, NANCY-PARIS-STRASBURG — 1928.